

CHILI PLANNING BOARD

August 15, 2006

A meeting of the Chili Planning Board was held on August 15, 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: 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 Tuttle, Town Engineer Representative; Pat Tindale, Conservation Board Representative; Jeron Rogers, Director of Planning & Engineering.

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.

PUBLIC HEARINGS:

1. Application of Yaro Enterprises, owner; 700 Trolley Boulevard, Rochester, New York 14606 for preliminary site plan approval to erect a 36,000 sq. ft. distribution warehouse at property located at 39 Jet View Drive in L.I. zone.
2. Application of Yaro Enterprises, owner; 700 Trolley Boulevard, Rochester, New York 14606 for conditional use permit to allow a distribution warehouse at property located at 39 Jet View Drive in L.I. zone.

MR. FITZGERALD: Thank you, Mr. Chairman. I am a Project Engineer with Avery Engineering, representing Yaro tonight. With me tonight are Tony and Yaro Kerick. What they're proposing is a 36,000 square foot storage warehouse and distribution building.

If I can approach the Board, I can point out some of the details on the site plan. The parcel is depicted in the orange. That is our boundary. The proposed building is -- we have it in pink. We're very colorful tonight.

We have some front parking for the employees, in the front, which we did receive a variance from the Zoning Board of Appeals last month. We also did receive a variance for a side setback of 30 feet, as well. Side setback is required to get the size of the building we wanted here, and still have enough room for a tractor-trailer maneuvering in the back here (indicating).

We have ten loading bays along this side of the building (indicating), and there are five in the back. This was part of an original subdivision -- overall subdivision for the industrial park, so we do have all public utilities at the road, at Jet View Drive, so we'll be utilizing all of those.

As far as storm water goes, there was an overall storm water pond designed for the subdivision, as well. But since then, some of the regulations have changed and we do have to provide for the water quality. So we're now providing for water quality. We have a -- two sand filters. And then they are located along this side of the building (indicating), and then kind of like an interior part of the lot. So that will treat the storm water runoff for quality.

We did go in front of the Conservation Board and they granted approval on this site plan, as well. With that, I will take any questions the Board may have. Maybe we can answer some more specific questions regarding the business.

JAMES MARTIN: Did you get a copy of the Town Engineer's letter?

MR. FITZGERALD: Yes, I did.

JAMES MARTIN: Item Number 1, seems to be -- to satisfy the minimum NYSDEC requirements around the SWPPP plan. Could you comment on Number 2 and 3 for primarily myself?

MR. FITZGERALD: If I could borrow a copy from you, I have a letter that is dated June 8th.

JAMES MARTIN: This is August 11th.

MR. FITZGERALD: Okay. More specifically, again, the questions?

JAMES MARTIN: You have a copy of the letter.

MR. FITZGERALD: I can run right down through them.

JAMES MARTIN: One is self-explanatory. That is okay. Two, three, four, five has been taken care of by the Zoning Board. Those are the ones I would like you to comment on.

MR. FITZGERALD: Sure. Number 2 is mentioning that Little Black Creek is not on the New York State 303 list of impaired waterways. In fact, it is. What this means is for our SWPPP report, it is not the mandatory five-day review period. It will be a 60-day review period from the DEC. What it means, it is more of a -- a lengthy process. What -- they actually -- we review what we submit to them. Wherein the past, they read the one-page summary and issue a permit. This they're looking at a little more closely.

Number 3 mentions washing out concrete trucks on the premises, and they're looking for some more detail on that. We can add that.

JAMES MARTIN: All right. So you're going -- you will include that in your plans?

MR. FITZGERALD: Yes. You just asked us to expand on that a little further.

JOHN NOWICKI: You show the drainage.

JAMES MARTIN: Should be included in the SWPPP plan.

MR. FITZGERALD: It would be included in the SWPPP plan, and we would have a sketch showing the location on that particular document. Typically when I put it on the site plan, if it varied, that is something we could do. Normally it would go in the SWPPP report.

JAMES MARTIN: Dave Tuttle, is that an acceptable position, that it will be in the SWPPP report?

DAVID TUTTLE: Yes. The only thing I wondered, what was the purpose of washing out the concrete? What are they going to do for concrete trucks, or what is the purpose of the concrete trucks washing out on the site?

MR. FITZGERALD: Just during construction.

DAVID TUTTLE: This is not like a full-time facility where they will wash concrete trucks every day?

MR. FITZGERALD: Just during the construction portion.

JAMES MARTIN: All right. So we're okay with that. Thank you.

Number 4?

MR. FITZGERALD: Number 4 indicates a copy of the notice and intent be completed, signed and completed to New York State DEC. They're requesting that be submitted to the Town Engineer as well, so they can see that.

But Number 5 --

JAMES MARTIN: That has been taken care of.

MR. FITZGERALD: That has been taken care of. We got a variance.

JAMES MARTIN: Okay.

MR. FITZGERALD: Site lighting plan, photometrics added to the plan set. That is something that we did provide just recently. I believe it was yesterday, the photometrics. We just got that back from the lighting company. We did give that to Dave Lindsay at Lu Engineering.

JAMES MARTIN: We are -- all our lighting is staying -- it is down cast. In the front there is recessed lights on the facade. They're shoe box, down cast lights and we have zero spillage off our property line.

JAMES MARTIN: A few comments from the DEC. That letter was dated August 7th, 2006.

MR. FITZGERALD: Sorry. That music is killing me.

I will run down these real quick.

JAMES MARTIN: Real quick.

MR. FITZGERALD: The site is located in the Greater Rochester International Airport -- the biggest concern there is that we don't have any booms or cranes or anything that is higher than 70 feet. We will not have that. Strictly tractor trailers.

As far as the lighting goes, it is all down cast.

Number 2 talks about -- well, it is kind of lengthy, but most do -- let's see here. We don't have any stream corridors, so that doesn't apply. I think Number 2 is more of a statement than --

JAMES MARTIN: Yes.

MR. FITZGERALD: -- than something.

I -- continuing on, they would like to see a healthy vegetation buffer, which we have provided, and again, that has been submitted to the Conservation Board for their review and approval. And we actually are providing some -- some buffers for mitigation of water through the sand filters, so those are shown on the plan. The last one, it is -- it -- household and chemicals and trash, and septic, that doesn't really apply. Unless something pops out, I can try to address that.

JAMES MARTIN: That is Monroe County Water Authority. The approval from them for -- you know, hooking up to the water main.

MR. FITZGERALD: Yes.

JAMES MARTIN: I don't know if you need a backflow preventer.

MR. FITZGERALD: We'll provide a backflow preventer on this project, and that will be approved by the Monroe County Health Department and the Water Authority.

JIM POWERS: Just to -- a couple of quick questions. The Zoning Board, you got a variance for your side setback, was it?

MR. FITZGERALD: Correct.

JIM POWERS: How about in the front? Or the back -- where will you have the parking?

MR. FITZGERALD: At the Zoning Board, we did get approval to park within the front setback.

JIM POWERS: How many lights -- pole lights will you have in that parking area? Do you know offhand?

MR. FITZGERALD: In the front parking, zero.

JIM POWERS: Will you have any along the roadway coming in off of Jet View, any light poles at all, or will it all be on the building?

MR. FITZGERALD: All on the building.

JIM POWERS: And when you came in informally, were there five bays at the beginning of that building, to begin with?

MR. FITZGERALD: Actually, I was not at that meeting. I could ask Tony (Kerick) if the plan has changed.

MR. TONY KERICK: It is actually six.

MR. FITZGERALD: Tony Kerick. And to respond to that, it is actually six bays.

JAMES MARTIN: You will have to speak louder because we have a lot of interference from outside.

MR. TONY KERICK: Not five bays. It is six bays. Total of six bays in the back. Three to enter the shop area and then one to enter the warehouse and two just dock levelers.

JAMES MARTIN: Would that change from the original plan?

MR. TONY KERICK: No.

JAMES MARTIN: That was the question.

JOHN HELLABY: On June 13th, the meeting, I made a statement that -- that I was under the impression there were some restrictions put on any further development on this site until the intersection improvements were done on Jet View and Paul Road. I subsequently had several phone conversations. I talked to Mr. Don Faso, who, as you know, was the Chair of this Planning Board for a good number of years. He says that I was correct in that statement. I think it was actually triggered when Rochester Drug Company came in there six years ago, plus or minus for their approval.

I took the time to go through all of the letters of conditions for the last several items down at Rochester Drug, the expansion at the CM Forwarding, DHL. It was never actually a condition of approval on any of those projects. So I had several phone conversations with Roger Brandt. The thing actually -- like I said in June's meeting -- go out to bid two years ago. It was awarded to Wesley Construction. They came out and did some preliminary stakeout work and mobilized for the job, and at the 11th hour, a plug was pulled because of this intermodal transportation issue at the Gottry Building. They were going to go through the whole intersection. Well, as luck would have it, the whole thing fell through.

I guess where I am going is, there -- there doesn't seem to be any condition of approval, so it

can't be enforced. It has to be completed prior to going in. I would, however, suggest talking to Roger Brandt. He still has a \$900,000 letter of credit out there for his project. There are some other things in the works with this intermodal thing falling by the wayside that the County is involved in. So at this venture, I say yes, I will not hang up so much on the improvements because Roger Brandt informed me that they have done traffic studies and counts are down because the business is changing out there. However, I just wanted to bring it to this Board's attention, that somewhere, within the next couple of years, something has to be done with that intersection. I personally have seen tractor-trailers laying on their sides in that ditch down there, because there is no radius to accommodate them coming around. So I would strongly suggest that this Board figure out how we make this happen with Roger (Brandt)'s help. Enough said on that subject.

The other concern, can you, Rob (Fitzgerald), walk us through the color scheme for your proposed building here? It looks quite nice, but I can't tell what you have got involved as far as colors.

MR. FITZGERALD: At this point, they don't have color final. Um --

JOHN HELLABY: Neutral, earth tones?

MR. FITZGERALD: Neutral, earth tones, grays. Grays is all that is depicted on the drawing at this point.

JOHN HELLABY: Construction schedule?

MR. FITZGERALD: I would defer that to Tony (Kerick).

MR. TONY KERICK: Should I state my name again?

JOHN HELLABY: No. You're all set.

MR. TONY KERICK: We're looking to probably start the spring now. We wanted to start the fall, but now it will be spring.

JOHN HELLABY: Start to build-out, when will you be operating?

MR. TONY KERICK: Probably by fall we should be in.

JOHN HELLABY: We touched briefly in June about the tractor-trailer parking situation. At any one time, how many tractor-trailers do you envision parked on site in the back? Not necessarily -- I understand the ones at the docks come and go, but I know, for example, your next-door neighbor at C & M Forwarding has like 20 of them in their backyard back there. Can we assume you will have the same situation?

MR. TONY KERICK: I don't think we'll have as many. We have about four or five local trucks. The rest are over-the-road. I just left my yard with two trucks. That's -- you know, when we just came over here.

JOHN HELLABY: Your letter actually stated you were presently operating in Gates somewhere. I looked in the phone book and couldn't come up with an address.

MR. TONY KERICK: 700 Trolley Boulevard, stated on the sheet.

JOHN HELLABY: I'm sorry.

MR. TONY KERICK: The old Dominion terminal, it is a cross-dock facility.

JOHN HELLABY: Couple of questions. Has this gone before the Fire Marshal at all for approval?

MR. FITZGERALD: I think typically with our submittal, it would go to the Fire Marshal. I'm not sure if the --

DENNIS SCIBETTA: It is not at that point yet.

JAMES MARTIN: You don't have architectural. I will go --

DENNIS SCIBETTA: He is aware of the project, but not anything more than that.

JOHN NOWICKI: So we're in for prelim, right? Okay. So we'll have to do the architectural treatments, and you will have to get the Fire Marshal's approval. You will have to work on that. Is this project a COMIDA project?

MR. TONY KERICK: We're looking to try to qualify, yes.

JOHN NOWICKI: So yes on COMIDA.

What type of material do you handle in this facility? What comes in, what goes out?

MR. TONY KERICK: We don't handle HAZMAT. We don't transport HAZMAT. We don't have the authority to do it, and we don't want to do it. It is more like electronics. You might have roof tiles, building material, plywood from general household commodities for Wegmans, for Home Depots, Lowe's and stuff like that.

JOHN NOWICKI: Any fertilizers?

MR. TONY KERICK: No.

JOHN NOWICKI: I think that is all I have for now. Just those two areas.

DARIO MARCHIONI: Thank you for choosing Chili. It is a nice product.

Rob (Fitzgerald), did you ask for final?

MR. FITZGERALD: We did have the waiver for final, but I do understand the Board's concerns as far as the architectural exterior, and I think my client could feel comfortable, too, progressing further if we did get the preliminary approval tonight before they spend additional monies.

JAMES MARTIN: Okay. Well, you have paid your fee. It won't cost any more if we don't waive final tonight. You have already paid the fees.

At this point, I will open --

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: My father commutes daily to work and uses the Paul Road to get to work, and on his way home, he has encountered times where he has been behind a tractor-trailer and as they approach the intersection of Jet View Drive, going west on Paul Road, the tractor-trailer will stop, wait for there to be a break in oncoming traffic, and then pull out into the oncoming lane to turn into Jet View Drive, so I do echo members of the Board's comments tonight that that intersection needs to be improved.

The other question -- question I have is, does this applicant need a variance for the number of consecutive parking spaces in the front here? There is more than ten consecutive parking spaces, and according to our code, it says parking spaces shall not run continuously more than ten adjacent spaces, and that is from Section 115-33.

MR. FITZGERALD: I could answer that. That is correct. That is something I did not mention during my initial presentation. We do have just one row. We have an aisle, driving aisle and then just one side of parking. We would request from this Board that that be waived just for snowplowing purposes and we're a little tight on parking spots. We would hate to lose another parking spot. We do have quite a bit of buffer along the frontage, so you shouldn't see too much of that parking and we have foundation plantings, as well. So we would request that that be waived.

JAMES MARTIN: How many contiguous parking spaces would you have there, Rob (Fitzgerald)? I forgot to count.

MR. FITZGERALD: I believe it is 25 or 26. It is just on one side. So there is not like a double aisle and another double aisle. Just one on each side.

DENNIS SCIBETTA: Mr. Chairman, I believe the Zoning Board Chair referred that back to the Planning Board for site plan approval with those conditions. They are aware that the -- there are more than ten, but they left it to the Planning Board to decide for site plan approval as to make sure that the proper buffering and everything was in place at that time.

JAMES MARTIN: Thank you.

DENNIS SCIBETTA: If you check the minutes from the recent Zoning Board meeting, that will be in there.

DARIO MARCHIONI: You do have a handicapped area that is bricked, too?

MR. FITZGERALD: Yes.

DARIO MARCHIONI: Actually, you don't have contiguous. You have an empty spot.

MR. FITZGERALD: An empty spot, a walkway.

JAMES MARTIN: If we asked you to put a buffer in the middle of that row, is that going to have a dramatic effect on your parking capability?

MR. FITZGERALD: Well, it loses one spot. The biggest thing is the plowing, because we can't plow from either direction because it is just a 145-foot shot. If you push the snow down, you hit the landscaping buffer out front and it is hard to plow, potential noisy hazard.

JIM POWERS: Could you hash it out with -- as no parking.

MR. FITZGERALD: We do have a hatched area on the plan.

DARIO MARCHIONI: It is a break up.

MR. FITZGERALD: In front of the door.

JAMES MARTIN: So you would cross-hash an area and put a no parking sign there so you

wouldn't have ten contiguous spaces?

MR. FITZGERALD: Yes.

JAMES MARTIN: What is the Board's feeling? Is that a satisfactory solution to this?

DARIO MARCHIONI: I can understand the position about plowing, because I have seen a lot of the curbs hit by the plow and it is just a mess.

JOHN NOWICKI: Well, the landscaping plan has been approved by the Conservation Board; is that correct?

PAT TINDALE: Yes, it has.

JOHN NOWICKI: Extensive enough to --

PAT TINDALE: We felt it was.

JOHN NOWICKI: -- for the buffering of that area?

PAT TINDALE: I would say so.

JOHN NOWICKI: I think I would look at that.

PAT TINDALE: They have a lot of plants in there.

JOHN NOWICKI: That is something that might help, in addition.

JAMES MARTIN: We'll have to either request that they break it up, or we make a motion to waive the requirement and approve it as the site plan calls for it. So... I understand your comment. We'll address that.

MR. MILLER: The only other thing I would mention was that when there is a discrepancy in the code and it says something one place in the code and something different in another place in the code, there is this part of the code that talks about interpretation, from Section 115-75, and it just states that where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter, or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. And I -- I don't -- I'm curious to know if you -- do you have the ability to waive this, if it is stated in the code?

JAMES MARTIN: Yes. It is stated in the code. I don't know if I can state the exact section to you right now, but it is stated.

MR. MILLER: That you can waive it? I know there is something that talks about parking spaces, the number of parking spaces, and that if it is not listed, that the Board does have -- that the Board can furnish parking as required. But again, that falls under the number of parking spaces, not the layout. That was all. Thank you.

JAMES MARTIN: Mr. O'Toole, I believe I am correct that we have the ability to waive that requirement if we so vote on it.

KEITH O'TOOLE: I believe the Building Inspector has taken the position, and it is his position to take by law, that the mechanics of how the parking is laid out is an issue of site plan approval, which is within the jurisdiction of this Board, which under the New York State Town Law, you have the power to waive the base or default requirements of -- so the short answer is yes.

JAMES MARTIN: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would ask the Board then why we have laws? And as far as snowplowing problems, that was all -- I'm sure well thought out when this law was put into effect, our code, when we specified that we had to break parking spaces up, because of the appearance. Snowplowing and a few problems at a warehouse I don't think present a hardship case. There is a lot of cases where this is applied, when it is more of a hardship than it is for a hardship and their snowplowing. It just -- it brings me back to the lawless aspect of our Town. We don't have a law that evidently we just can't trample on and forget at the whim just because somebody comes in and pleads a hardship. That is not right. That is not true. He hasn't got a hardship any more than -- certainly less of a one than a lot of people that come in here and they have been made to break their parking lots up so they looked good and fit our code. I don't understand that.

And as far as this turn -- this improvement of that intersection, if you wait for Mr. Brandt, you could be holding your breath a long time. It took him seven years to do what he was supposed to do over in North Chili. He is just finishing now. Seven years of people coming in here and reminding this Board, reminding the government of this Town, reminding, reminding, reminding. You know what, when he got darn good and ready, he did it with tax dollars. It was supposed to have been

his expense. So if you're waiting for him to improve that intersection, then I think you will have a long wait. It is dangerous. I have said at this meeting over and over and over and heard people want to relocate and build on Jet View Drive and it is always the same argument, and you people put it off again and again and again. Make something happen with this, please. Get off the dime.

JAMES MARTIN: Thank you.

Motion 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: I make a motion that the Board waive the requirement on this particular application regarding the ten contiguous parking spaces.

DARIO MARCHIONI: Second.

The Board unanimously approved the motion.

JAMES MARTIN: The parking requirement is waived. No SEQR for these. Oops, oops, oops. Yes. SEQR.

On Application Number 2, 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.

On Application Number 3, 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.

JOHN NOWICKI: I would like a letter from the Chairman.

JAMES MARTIN: I made a note. I will send a note to our Superintendent of Public Works encouraging a rapid resolution to that particular intersection as quick as possible.

JOHN NOWICKI: Could you share that information with us?

DARIO MARCHIONI: When do you commence starting this project? Are you under pressure to start right away?

MR. FITZGERALD: Originally they wanted to at this point, but now they're looking at the springtime.

JAMES MARTIN: Spring '07?

MR. FITZGERALD: Correct.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 5 yes with the following conditions:

1. Pending approval of the Town Engineer.
2. The Planning Board, by motion and unanimous vote, waived the requirement under Article VI, Section 115-33(G-10) regarding continuous parking of more than ten cars.

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

The Board discussed the term of the conditional use permit.

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

1. Approved for a period of three years.
3. Application of Aspenwood Associates, c/o FRA Engineering, 530 Summit Point Drive, Henrietta, new York 14467, property owner: JR Realty; for resubdivision approval of Lot R1A of the John Deer Subdivision into two lots at property located at 4390 Buffalo Road in G.B. zone.

George Brinkwart, Bob August, Dave McGee and Steve Tierney were present to represent the application.

MR. BRINKWART: Good evening. My name is George Brinkwart with FRA Engineering Offices located in Henrietta, New York. With me this evening is Bob August and Dave McGee, future owners of the facility, and at some point you may want to ask them some more questions. Also is Steve Tierney from Woods, Oviatt, Gilman.

JOHN NOWICKI: With who?

MR. BRINKWART: Woods, Oviatt, Gilman.

Steve (Tierney) can answer any questions you may have with regards to the transaction of the land.

I have some half sizes here depicting the landscaping plan. This may give you a better overview what we're proposing. This is on Union and Buffalo Street, adjacent to the existing Tim Horton's.

When this parcel was originally developed as part of the John Deere Subdivision, much of the infrastructure for this was already in place. There is existing storm sewers. Part of the curb is in. Some of the base for the parking area. But when we took a closer look at the site, we felt that it might be better configured if we moved the entrance from here (indicating), where it was originally proposed, further to the north. We felt that this would free up this intersection a little better and improve on-site circulation. The plan has been submitted to the Conservation Board, and they have approved it with the comment that they would like us to reserve an area on the west side of the parcel for some snow storage. We have submitted our plans to the Water Authority with a backflow preventer, and they have -- they are in the process of reviewing that and I believe they will give us approval.

We have submitted to the Gates-Chili Ogden Sewer District for the lateral connection to the storm or sanitary sewer, and they have approved our proposal.

That's really it in a nutshell. I would be more than happy to entertain any questions you may have on this project.

JAMES MARTIN: Once again, do you have a copy of the August 11th letter from Lu Engineers?

MR. BRINKWART: Yes, I do.

JAMES MARTIN: Do you have a copy of that?

MR. BRINKWART: Yes.

JAMES MARTIN: Just start with the preliminary site plan issue. Items one, two, three, four on that letter.

MR. BRINKWART: Okay. Item Number 1. Would you like me to read the entire question?

JAMES MARTIN: Yes. Go ahead.

MR. BRINKWART: "The area of disturbance indicated on the Short Environmental Assessment Form is below the minimum that would require the submission of a Storm Water Pollution Prevention Plan. However, the area of disturbance should also be listed on the plans."

The area of disturbance is approximately three-quarters of an acre, and we have prepared an erosion and sediment control plan in conjunction with this plan that would meet the requirements of the Town and the --

JAMES MARTIN: All right.

MR. BRINKWART: -- New York State DEC.

Number 2, "A drainage summary has not been reviewed by our office. It is our understanding that a new storm system was installed along Buffalo Road as part of the recent New York State D.O.T.

project. The applicant should give some consideration to altering the drainage design in order to tie directly into the system along Buffalo Road. This would eliminate the need to obtain an agreement to discharge storm water into the private closed storm sewer system to the east. If this is not practical, then we suggest the provision of drainage easements to ensure access to the system by all parties. In addition, we suggest a disclosure of maintenance responsibility for the system to protect the interests of all parties.”

We would certainly disclose any maintenance agreements to the Town.

Also, there is an existing -- on the current Eckerd's site there is an existing easement for the storm sewer discharge to the State system on the Eckerd's parcel. The Tim Horton's parcel we're in the process of going through the abstract on what easements are on that site. But it is our proposal or our desire to use the existing storm sewer system that was installed when this parcel was originally subdivided and partially developed. It is in place. It appears to function and it connects to the existing storm sewer. But beyond that, we would be more than willing to work with the engineers to resolve any issues that they may have in that regard.

JAMES MARTIN: Okay. Obviously this will be pending final approval by the Town Engineer. As long as that issue is totally resolved, to everybody's satisfaction, that is fine.

MR. BRINKWART: 3, “Ownership information for the adjacent parcels should be added to the plans.”

We'll add that to the plan. That was an omission on our part. Those parcels are listed on the subdivision map, but we'll transfer that onto the site plan, as well.

Number 4, “The Board should satisfy themselves that adequate cross-access easements exist to serve the affected parcel.”

We'll definitely put in an access easement through the parcel to access the remainder of the site. It is not our intention to exclude anyone from access to the site.

JAMES MARTIN: I am assuming you would like to review those?

KEITH O'TOOLE: Actually, I would like the applicant to graphically depict the meets and bounds on the site plan so we know where it is, and then they'll provide us with the easement and ultimately provide us with the time-stamped copy after it has been approved by the Town before we'll actually release the mylar.

JAMES MARTIN: Did you catch all of that?

MR. BRINKWART: Yes. We would be happy to do that.

JAMES MARTIN: All right.

MR. BRINKWART: Number 5, “This (plan) should not be construed as a complete and final review of this application. If final” -- actually, “If final Planning Board approval is granted, we request that it be contingent upon Town Engineer's approval.”

We certainly concur with that.

JAMES MARTIN: Anything else at this time in your presentation?

MR. BRINKWART: No. I would be happy to answer any questions.

JAMES MARTIN: As far as the DRC is concerned, basic issue is backflow preventer when you hook up to the County water system. Is that something that you will be putting in place?

MR. BRINKWART: Yes. We have already made application with our backflow preventer to the Water Authority and the Health Department. That is in process.

JAMES MARTIN: Monumentation and --

DARIO MARCHIONI: First of all, can we get into the architectural aspect of this building?

MR. BRINKWART: Certainly.

DARIO MARCHIONI: You have here brick, brick veneer.

MR. BRINKWART: A real brick veneer.

DARIO MARCHIONI: In the past we had pressed paper.

MR. BRINKWART: This will be similar to this (indicating). I brought this along so you could get an idea of the size of the brick. The color will match closely to what is on the Tim Horton's building. Of course, the roofing will have architectural style shingles.

DARIO MARCHIONI: Second question. You show split-face concrete block on the bottom portion of this. What does Tim Horton's have?

MR. BRINKWART: They have a band at the bottom, as well. I'm not exactly sure what that is. I believe that may be stucco.

JAMES MARTIN: It looks like a sandstone.

JOHN NOWICKI: Your color scheme will be the same?

MR. BRINKWART: Yes. We intend it to match the look, appearance to what is there now.

DARIO MARCHIONI: My biggest concern is about lighting. We have another carwash in our town that looks like pink Christmas trees with fluorescent lights all of the way around it. How do we address the lighting on this one? Is it just -- will it just be wall lights?

MR. BRINKWART: We're proposing three new lights, downcast shoe-box style lights. The lighting plan that we generated, we did so so we won't have any light spillage off the property. All of the light spillage is on our property. Also existing architectural lights we're proposing to leave where they are.

DARIO MARCHIONI: How about signage? Will you have any signage on the building itself, or will these elevations be close to what we're going to get?

MR. BRINKWART: The elevations are pretty close. I believe, Dave (McGee), it will have one building sign?

MR. MCGEE: That is correct.

JIM MARTIN: Can we have a name?

MR. MCGEE: Dave McGee, Laser Wash Group. I'm one of the principal owners. To answer your question, we'll have one building sign and one road sign, and that will be it for identification purposes.

DARIO MARCHIONI: The building sign, what type of sign will we get? Fluorescent, high pitched? What type of sign are we going to get?

MR. MCGEE: That is a good question. I know it is not neon.

MR. AUGUST: Robert August. I'm also a partner with Laser Wash Group.

The sign on the building is a three-by-five -- a five-by-nine, I'm sorry. That is the exterior dimensions. They're individual letters that are siliconed to the building. There is a little bit of graphic. If it ever is lit, it would be up lit with low voltage white light from the ground. Hopefully, the parking lot lights will do it. We don't use neon or anything other than white lights. We don't like that look.

JOHN NOWICKI: Would that show up on the southeast elevation, that sign?

MR. BRINKWART: No. I believe -- the building is angled a little bit.

JOHN NOWICKI: Building mounted or freestanding.

MR. AUGUST: The five-by-nine is building-mounted. It is really not that large, because it is separate letters, and it doesn't fill that entire area. The freestanding sign I believe is close to the southeast corner, and we would -- with our sign, we would put it -- the closest side of the building, which I am trying to call the southeast. The side that faces the intersection is where we would put the signs.

DARIO MARCHIONI: The other question is, in the layout, why did you tip the building? We have Eckerd and Tim Horton's pretty well lined up with the street. This is way on an angle to the site itself. Is there any reason for that, because as you drive down, you will see cars going in the back of the building. I don't know which, is it the back or the front of the building?

GEORGE BRINKWART: The intent for angling the building was to improve the turning radius. We wanted to give the people using the facility as easy a turn to get and in exit the facility. If it is angled perpendicular or parallel to the road, you would have to make a sharper turn to get into the base and then to exit, as well.

DARIO MARCHIONI: You do have a square lot here basically.

MR. BRINKWART: Yes.

DARIO MARCHIONI: You could move the building anywhere you want? I am just trying -- driving down Buffalo Road, all you would see is cars lined up one after the other. That is good advertising because you see people using the place, but we're trying to think about, you know, you have a lot of blacktop, a lot of cars. I don't know. I was just thinking if it was a different way or if you studied other ways.

MR. BRINKWART: We had several layouts, including ones that were square. We found out the most friendly turning movements with the least sharp turns were the ones where we angled the building 45 degrees. And in the long run, we actually use less asphalt because we did not have to make our swings so wide and large. So it was as compact a design as we could fit by tilting the angle of the building a little bit.

DARIO MARCHIONI: The overhead doors, will they be glass doors, plexiglass or solid doors? See-through doors?

MR. AUGUST: The doors are -- they are a plastic plexiglass type.

DARIO MARCHIONI: You can see somebody inside?

MR. AUGUST: Yes. They do have mullions down them so they look -- they're not shown on the plan, are they?

MR. BRINKWART: No, they're not.

MR. AUGUST: They are not glass.

JOHN NOWICKI: So far I am liking what I see, to be honest with you. It looks like you're doing a good job on the architectural treatments of the building. The site plan is well thought out. My concern is I would like to know who is Aspenwood Associates.

MR. TIERNEY: I can answer that. Steve Tierney with Wood, Oviatt, Gilman. I represent Aspenwoods. They're a developer. The family has been in Rochester for 50 years, and they actually purchased the ground lease rights to this .93 parcel about a year ago from JR Real Estate, which owns the plaza, and at this point we have a sublease with Laser Wash which will be effective once the site plan is approved and the subdivision is completed.

JOHN NOWICKI: JR Plaza?

MR. TIERNEY: JR Real Estate is the owner of the plaza. We're not associated with them at all. We acquired the leasehold interest to this piece approximately a year ago. So if you were to look at the title, the title to the real estate is actually JR, and then if you look further, you would see an assignment of lease -- JR conveyed this parcel to somebody called Towne -- Towne, T-o-w-n-e -- Towne Properties, LLC.

JOHN NOWICKI: So JR still owns the land?

MR. TIERNEY: They still own the land. The lease agreement says once this property is subdivided out, we can tender them a deed, they sign it and we record it. That is why part of this is the subdivision aspect.

JOHN NOWICKI: You own the land after.

MR. TIERNEY: We'll own the land and we'll be having a direct lease to the applicant.

JOHN NOWICKI: Mr. Scibetta, you know why you want that information?

DENNIS SCIBETTA: Yes, I do.

JOHN NOWICKI: Thank you very much.

DENNIS SCIBETTA: It is a legitimate question. It is very complex. That is why this gentleman is here to explain anything on that side of it.

JOHN NOWICKI: All right. You and I can have a conversation.

DENNIS SCIBETTA: Absolutely.

JAMES MARTIN: We went through this thoroughly at DRC to understand all of the real estate transactions involved.

MR. TIERNEY: It is somewhat confusing, but if you looked at the chain of title, you would see that JR owns it, but then they sold their leasehold interest to Towne Property, LLC, and then there is -- there is a memorandum of lease of record in the clerk's office that states that. Then there is another assignment of lease that was recorded in July of 2005 that takes this property, their leasehold interest in it, Towne's interest in it, and they assigned it to us, so we have essentially bought it at that point. If you look back at the ground lease, it has a provision that says at any time, once this lot is subdivided for one dollar, we can get a deed to the property. So we can either continue to lease it on a sublease, once the development is approved, or we can go ahead and exercise that option for one dollar, and we're going to choose to do that.

JOHN NOWICKI: Why is Kravetz Realty's name --

MR. TIERNEY: Kravetz Realty is the family of Aspenwood. It is the Kravetz family actually.

JOHN NOWICKI: Is this the Kravetz Realty that owns the plaza across the street?

MR. TIERNEY: Yes, it is.

JOHN NOWICKI: Okay. Well, I'm glad we got that for the record.

MR. TIERNEY: Thank you.

DARIO MARCHIONI: I'm still confused, though.

JOHN NOWICKI: Well --

DENNIS SCIBETTA: It is a common thing that is done in other areas, not necessarily in the

Rochester area. It is something kind of new to Rochester, but it happens in ground leases and land use all over the country. It is much more common in other places.

JOHN NOWICKI: We have opened a door here and we'll continue to walk through that door. Thank you.

JAMES MARTIN: These issues always come up with these automatic carwashes. Hours of operation and site safety. If something malfunctions with the equipment while somebody is in the wash bay. So could you address those concerns so the Board is satisfied that this operation, if it goes forward, all right, is going to meet all of the requirements around those issues.

MR. BRINKWART: Certainly. The intended hours of operation is -- are 24/7. We'll have someone there twice a day to do physical inspections and safety checks. Also there is a number of safety features inside the facility to assist --

JAMES MARTIN: I can't hear it.

MR. BRINKWART: Let me defer you to Dave (McGee) to give you more specific information on some of the safety features that are incorporated in the laser washes.

MR. McGEE: First, let's address the hours of operation. We have our basic operations in Pittsburgh, Pennsylvania where we have nine sites. We operate in those communities on a 7 by 24 basis. There is one community in Pittsburgh that we do have restricted hours of operation which meets our operating requirements perfectly. That is from 5 a.m. to 11 p.m. So those are the two scenarios. 7/24, or controlled 5 a.m. to 11 p.m.

In the area of the customer, in customer safety and convenience, let's start with inside the bay. Let's say there is a malfunction of the equipment. First and foremost, the car that they have in the bay or the vehicle will not be harmed because this is a touch-free, touchless operation. So nothing will strike the vehicle. Let's say that the vehicle wanted -- let me back up. Let's say the system stopped and now the customer has to make some choices or decisions. One is, how do I exit? There is an emergency button with a sign above it that is visually seen to the left of the driver, driver side, which says emergency button. It is a red button, very visible. They press it. The doors will open.

Now, let's say there is a power outage in the area. The doors will still open. There is a backup mechanism that will release the doors. They will go up and the person can exit the carwash.

In addition, let's just say there is a need for communication to us; for whatever reason they have, they want to talk to us. The means of communication are, there is an 800 number that will get directly to our headquarters office here in Rochester, there is an e-mail address that is published and printed on our receipts as well as on the directional information boards as one enters the carwash.

We also have a website that is available for communication purposes. So there are basically three vehicles. Then if our site manager happens to be on site during this occurrence, there is face-to-face conversation to help the customer. Our number one intent and mission is to make sure this is a simple, easy, carefree operation, that the customer is basically -- does not have to worry about any problems, and if a problem is encountered, there is a vehicle for resolution, a very simple resolution.

In our experience to date, we have been in this business since 2003, we have had very few emergency situations where they have had to use the emergency button. We have a very high record of reliability with the equipment in its process and operation.

JAMES MARTIN: This will be strictly credit card pay-as-you-a-go operation, no cash?

MR. McGEE: Let's talk about methods of payment. There are three. Cash, credit card and the third operation is we have a Loyalty Club program which customers can elect to buy and purchase from us on our internet website that allows them to use codes. They enter the codes into the system, and away we go. Now, if the customer is familiar, the device has the same look and feel of an ATM. There are visual displays. There are buttons that talk when you hit them. It is a very ATM-like experience when you select your method of payment.

JOHN NOWICKI: Could they accept all credit cards?

MR. McGEE: I will not say all, but let me just give you the basics. The MasterCard and VISA. We have credit and debit on the VISA MasterCard card. We take American Express. We take Discover. We do take government credit cards, so those are the means of plastic that we take. I don't know if I left anybody out, but I think I got the basics. If I look at our credit card usage from a financial perspective, 75 percent of the usage is MasterCard or VISA.

JIM POWERS: To use the VISA cards or whatnot, is this all exterior of the bay itself?

MR. McGEE: Yes, it is. When the customer enters the carwash process, the first thing they will

encounter is the ATM-like machine, which is external from the bay. So they do their thing at the point of, what I call the point of sale, the point of entry and then they will enter the bay.

JIM POWERS: Is the bay open before you do that?

MR. McGEE: Depending on the season. Let's talk about the fall, the spring, the summer. The entrance door is open. In the wintertime, because of the -- the bay needed to be heated, the doors open and close automatically during the winter months. And that is how that works.

Now, once the customer engages the cash, credit or code, and the payment is selected, the wash package is selected, then the doors will open automatically. There will be a visual indicator saying that the doors will open automatically upon payment. So it is fairly clear to the customer what is going on at all times.

JAMES MARTIN: Do you have the option of doors always closing during the wash cycle operation?

MR. McGEE: We have the ability via computer to control how we want the doors to operate. In the winter months, once the customer is inside the bay, both doors are shut, they're closed. Upon completion, the exit door opens.

In the spring, the summer and the fall, we choose to leave the doors open at all times. Now, in the evening, we do have the ability to control the doors to be shut during the evening, darkness hours for safety reasons and safety purposes. So we can control any way we want the doors to function.

JAMES MARTIN: I think that is something the Board might want to give consideration to. I have no idea what the noise level is generated by your washing operation itself. But --

JOHN NOWICKI: The one across the street over here has a similar operation. That seems to be doing pretty good. I haven't heard any complaints, have you?

DENNIS SCIBETTA: Nothing other than the sign.

JAMES MARTIN: We asked them to have the doors closed at all times during the wash cycle, if I remember correctly.

DENNIS SCIBETTA: That could be. That would be the loudest portion of it. With the doors closed, standing on the outside, we have been through it several cycles, and you can ask the Fire Marshal, you can't really hear a whole lot going on inside.

JOHN NOWICKI: I think the doors are closed at all times.

DENNIS SCIBETTA: During the wash cycle.

MR. McGEE: We have the ability to meet that requirement, no problem whatsoever.

JAMES MARTIN: I am concerned. You are somewhat removed from the residential population in the area, but there is potential for -- it is new construction in the area of a residential nature, which is not going to be too far removed from your carwash. Given that consideration, I really think that if you can program it so the doors close during the wash cycle, that probably would be a preferable way to go from the standpoint of the application.

MR. McGEE: If that is a requirement, that will be met.

JAMES MARTIN: I think we'll probably impose that as a condition, that the doors be closed during the operation.

MR. McGEE: No problem whatsoever, sir.

JIM POWERS: Who came up with the traffic pattern for this particular facility?

MR. McGEE: Um, the traffic pattern that we selected was based on our history and experience of all our carwash sites in Pittsburgh and, of course, our new site in Rochester at Brighton-Henrietta Town Line Road with a couple of business marketing and consumer issues on the table, forefront on the table. We want to make sure that the customer has an easy access in and out of the facility, and once in the facility, it is easy to navigate. They have an easy turn radius. They can get into the bays easy; they can exit easy. Um, we service and meet the needs of many, many customer constituents, customer groups from the new driver all of the way up to the senior driver, so we have to make sure that it is easy for all our customers to use our facility. That is why the traffic pattern was selected.

MR. McGEE: In addition, we want to make sure during the busy time frames, which are usually during the winter months, we have adequate stacking and queuing capability for our customers, as well.

JIM POWERS: On this rendering that we have, it shows -- appears to be two lanes, once you get in on site, and you have got all of the cars on the inside lane, closest to the grass area, going into the one bay. Why don't you stack cars side by side so that you can use both bays instead of break -- as you approach the bays, you then break them out into one bay or another. Was any thought ever given

instead of exiting there, into the exit -- or access route, coming in out of that plaza, that you can come out of the bays and continue around and go out where you show the arrow going out into the parking lot area, and use that one particular exit and entranceway instead of the one into the main drag going in and out of the plaza?

MR. BRINKWART: Well, your first question is we wanted to show the lanes so that we showed adequate space for someone to get around the building if they had to. If they did not want to enter the carwash facility, they could go around it and still exit the site. We didn't want to show stacking in both lanes to impede someone from --

JAMES MARTIN: Emergency bypass lane.

MR. BRINKWART: Correct.

JAMES MARTIN: Second question, exit out to the main entrance to the plaza?

MR. BRINKWART: Correct. Option to -- option to either exit to the access drive or into the plaza.

JAMES MARTIN: Do you feel that is a requirement to have that exit?

MR. BRINKWART: We think it is a good idea to offer two points of exit.

DARIO MARCHIONI: Emergency exit.

JAMES MARTIN: That main drag there is two ways?

MR. BRINKWART: Yes.

JIM POWERS: What happens if you expand and add two more bays?

MR. BRINKWART: We think we have the capacity to handle that.

JIM POWERS: Would you funnel your traffic the same way?

MR. BRINKWART: Yes.

JIM POWERS: With the two different exits?

MR. BRINKWART: Yes.

JOHN NOWICKI: What would be your construction schedule?

MR. McGEE: Our construction plans are once we receive approvals from all of the various agencies, committees within the Town and the County and the State or whoever, we have a construction time frame of six to eight weeks. Our desired goal from a business perspective is to be operational before the season, which would be November 15th at the latest. The season -- the season we're trying to hit starts in December 1st, so we definitely want to be operational. We would like to be operational and open by November 15th.

JOHN NOWICKI: The reason I ask the question, because you're approaching the winter months, and what happened with the one across the street was they got into the winter months and had to go down to a concrete parking area rather than the asphalt parking area, which turned out really nice. But you will be ahead of that schedule.

MR. McGEE: Correct. Provided all goes well.

DARIO MARCHIONI: Concrete is cheaper than blacktop now.

JOHN NOWICKI: It's getting there.

KEITH O'TOOLE: Unless it is the intention of the Board to approve them this evening, I would ask that the reference to Future Laser Bays 1 and 2 be removed from the map just to clarify that they are not part of the approval.

With reference to the common access easement that was discussed earlier, I would ask that be boxed out to the northernmost point of this proposed lot and have all of the meets and bound description as well as map description for attachment to the proposed easement.

With reference to the drainage easement discussed by the Town Engineer in Item 2 of his letter, my recollection was the last time we went down this road, um, the easements in that private system were quite a piece of work. There were some missing easements, among other things. I am going to ask the developer's engineer to provide me with a map which demonstrates that from the point of discharge on the proposed site, straight out to the public highway, that all of the easements that exist, you will cite them by Liber and Page of deed and provide copies of the easements to show me that, in fact, they do have the right to go right onto the public highway across these other properties.

I will also ask for a letter from Joe Carr approving the use of the system, because if my recollection -- my recollection is there may be parts of the system which have not been surveyed in some years, which may not be up to the task.

Nothing further.

JAMES MARTIN: I didn't capture all of that in writing as you were going through that. Could you provide me with a copy of those?

KEITH O'TOOLE: Subject to Town Engineer approval.

JAMES MARTIN: I have got approval of all easements by Assistant Town Counsel or Town -- or Town Attorney. Is that --

KEITH O'TOOLE: In the manner and form described in the minutes of the public hearing.

JOHN NOWICKI: Letters of credit for the landscaping and all of that, will that be part of the permit process?

PAT TINDALE: I did not ask for a letter of credit. We have not asked for a letter of credit.

JOHN NOWICKI: Okay. I think we should. I think it should be a condition. I'm not taking any more chances.

JAMES MARTIN: In a letter of credit you want landscaping?

JOHN NOWICKI: To make sure we get it done.

JAMES MARTIN: Given our building schedule, I'm concerned about timing of that.

JOHN NOWICKI: Still, a letter of credit protects us.

PAT TINDALE: It would not need to be done until after the completion. If it is completed in the winter, it is the spring of the next year that the landscaping would have to be in by.

KEITH O'TOOLE: Typically the trigger, the leverage, if you will, of the Town is that we get the letter of credit before the mylar is signed and released.

JOHN NOWICKI: Yes.

KEITH O'TOOLE: That is how the Town Clerk does it for roads and other public improvements. Otherwise we'll have the Town Building Department tracking down the developer trying to extract a letter of credit after all of the permits have been issued, which is not an ideal place to be.

JOHN NOWICKI: Would a bond be better to protect us?

KEITH O'TOOLE: The issue is timing. Bond -- the bond, letter of credit or cash doesn't change that. The Town does not accept bonds.

JOHN NOWICKI: So we could get into the next -- 2007 spring and there's no landscaping, what do we do?

KEITH O'TOOLE: If you are going to do a letter of credit, do it now. Take the letter of credit now, not after they started construction.

JOHN NOWICKI: Now. That is what I am saying. Get it now.

KEITH O'TOOLE: Then we're on the same page.

JOHN NOWICKI: Thank you.

JAMES MARTIN: You want all landscaping plans to be covered by the letter of credit?

JOHN NOWICKI: That's correct.

JIM POWERS: Jim (Martin), if they ever expanded and went to the two more bays, would they have to come back to the Planning Board again?

JAMES MARTIN: Yes. They would have to have a revised site plan if they expand.

JIM POWERS: It doesn't have to be a condition?

JAMES MARTIN: No. They would have to do it.

DAVID TUTTLE: The only thing I see in addition to the August 11th letter is you show a stacking of 12 vehicles. Is there any case history or traffic generation based on the history of your other facilities of how many cars this is going to generate?

MR. McGEE: Sure. Let me address the question on -- that you raise, and that is about stacking. Um, we have taken into consideration our customer set, and some of the behaviors of our customers. They're very easygoing people, to the Type A. And in our business, with the process of each car taking roughly about 5 ½ to 6 minutes, we figure there is a tolerance how long you will wait. The history has shown us that people will probably wait one bay, one car in the bay, two to three max back, which would be 15 minutes, if you're talking 3 cars, or 18 minutes, and then they will not wait. They will leave.

DAVID TUTTLE: Your wash cycle is how long?

MR. McGEE: Five and a half to six minutes.

DAVID TUTTLE: Once they see that many cars backed up, they know they will not wait.

MR. McGEE: If they're Type A, they definitely won't wait. But if they're out for a leisurely wait

and they have their book or cell phone, they might wait. But the sites we have in Pittsburgh, and even our site here in Rochester, they don't wait if there are two or three cars waiting to get in both bays.

DAVID TUTTLE: So 12 is a good number.

MR. McGEE: More than adequate. We have not had any problems with that type of stacking from an average perspective.

DAVID TUTTLE: Style, color, you will be similar to the one on Brighton-Henrietta Town Line?

MR. McGEE: Our mission is to take that footprint exactly in Brighton-Henrietta Town Line and bring it over here, with the same look and feel.

DARIO MARCHIONI: Can I add a condition?

JAMES MARTIN: Be more than happy to entertain it.

DARIO MARCHIONI: I would like to see this building built as per elevations and materials presented to the Planning Board.

JAMES MARTIN: Building shall be constructed in accordance with materials demonstrated to the Planning Board.

DARIO MARCHIONI: And elevations.

JAMES MARTIN: Shall be constructed in accordance with elevations.

DARIO MARCHIONI: And material presented to the Planning Board.

MR. McGEE: Let me assure you –

DARIO MARCHIONI: No reflection on you.

JOHN NOWICKI: That is only because something happened prior to you.

MR. McGEE: I just want to assure you we have a common look and feel from a business and marketing perspective. What you see in front of you is what we use, our basic look and feel. The brick and that type of shingling.

DARIO MARCHIONI: No reflection on you, sir. We had a project go in front of us, and when it was built, it was different than what I looked at. With that in mind, that is the reason why I am asking for this condition. No reflection on you, sir, please.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: On the drawing here, this blank wall, where will that be facing?

JOHN NOWICKI: That is the southeast elevation, angled out, as you see the angle, towards Buffalo Road.

MS. NEDER: So it will be like kitty-corner, facing Buffalo Road?

JAMES MARTIN: Can you show her on the diagram where that will be?

MS. NEDER: Couldn't they put architectural detail on that?

JOHN NOWICKI: They will have a sign on that.

MS. NEDER: That is not an architectural detail.

MR. BRINKWART: This is Buffalo Road.

MS. NEDER: The blank wall will be here, facing this (indicating)? Couldn't you have some fake wood shutters on that? Is this the same plan that you have in Pittsford?

MR. McGEE: We do not have a facility in Pittsford.

MS. NEDER: I'm sorry. I thought you said you did.

MR. McGEE: We have in Pittsburgh.

MS. NEDER: Well, I think it is kind of utilitarian-looking, plain, not very attractive. I also notice on your landscape plan, you show existing pear trees towards the front. Well, those trees have been neglected for the last two years and are in pretty poor shape. I won't count on them as the existing honey locust trees along the front. They're in the same poor condition.

I would like to see a little bit more landscaping hiding these cars from Buffalo Road, and to the side here (indicating), where you have this kind of dead-end space, what is that for?

MR. BRINKWART: Those are two parking spots for the maintenance personnel that visit the site on a daily basis.

MS. NEDER: This is an exit and this is an exit (indicating)?

MR. BRINKWART: Correct.

MS. NEDER: Is Kravetz Realty and Aspenwood Associates the people that have been

responsible for the lack of maintenance there the last two years?

MR. TIERNEY: No, they haven't. I represent Kravetz and Aspenwwod. They have nothing to do with the plaza.

MS. NEDER: You said you took over in 2005.

MR. TIERNEY: The out parcel. The .93 acres which is the subject of this application. We have nothing to do with the plaza itself.

MS. NEDER: I'm talking about the grass that has not been cut. It was cut a week before you applied to come to the Planning Board.

MR. TIERNEY: Our lease agreement, the landlord is responsible for all common area maintenance. JR Real Estate.

MS. NEDER: That has nothing to do with Kravetz?

MR. TIERNEY: Absolutely nothing to do with them.

MS. NEDER: Even though you said you took over ownership in 2005?

MR. TIERNEY: Of that .93-acre parcel. We didn't take over ownership. We took over ownership of the leasehold parcel, the lease rights, not the land. The land responsibility, the maintenance of that is still the responsibility of JR Real Estate, who is the owner of the plaza.

MS. NEDER: Well, the parcel that is not being -- that is being subdivided from this, now who is going to own that?

MR. TIERNEY: As I explained earlier, at the time of the subdivision approval, Aspenwwod will have the right under lease agreement to continue to ground lease it or could go ahead and acquire it pursuant to an option in the ground lease. At that point, Kravetz/Aspenwwod may be the owner.

MS. NEDER: May be. Well, I'm worried about the future maintenance on that piece. If it is anything like the piece that you are talking about now, it has been nonexistent, and even though that grass has been weed-whacked and slashed to the ground, there are still broken beer bottles and other debris in there, and it looks a mess. Even with the grass cut. You walk over there and it is a hazard to anybody.

I don't think that you can count on any of these existing plantings to exist. I think it could be a much better looking building.

JAMES MARTIN: I guess I would ask the applicant if there are trees in existence, you know, on your site plan that have died or that were planted originally and are now defunct on your parcel, would you be willing to replace those?

MR. BRINKWART: Absolutely.

MR. McGEE: Absolutely.

Ma'am, if you would like to see one of our facilities in the Rochester area, on Brighton-Henrietta Town Line Road, I think you will change your opinion of how we take care of our sites --

MS. NEDER: You may take care of a site in the future, but if there is still another empty parcel there, I don't want to go through next summer what I have gone through this summer. I started the 8th of June trying to get that grass cut and it only got cut a week before you were supposed to come.

JAMES MARTIN: I think the applicant has assured us that the landscaping will be taken care of. I have visited the site on Brighton-Henrietta Town Line Road. It is well maintained and a beautiful site. This applicant had nothing to do with the previous problems. So I do not -- I think we have to accept the fact that their landscaping plan should clean that site up. I think that is the last out parcel that is available on that particular plaza area, so once this is done, you -- as you know, it was a mess when the State was doing their work there anyways.

MS. NEDER: Yes. I excused that last year, but since May up to now --

JAMES MARTIN: I understand. It has been now mowed, thanks to the Building Department getting that done.

MS. NEDER: It only got done because they were coming before the Board.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would take exception with your last comment, Mr. Martin. It didn't get done because of the Building Department got on it. They couldn't figure out who even owned it, and that is verified by meetings we had. They didn't know who owned it to go after. And this is -- I'm very much afraid that Mrs. Neder is correct and that down the line we'll have the same -- just a

mess of trying to figure out who is responsible for what here.

JAMES MARTIN: I don't think that will be the case.

MS. BORGUS: Well, you did not think it, but we're the ones who have to look at it when it doesn't work out. So the Building Department, and I think Mr. Scibetta and also Mr. Rogers would tell you that we sat in meetings and they said they couldn't do anything about maintenance over there because they didn't know who owned what.

JAMES MARTIN: They finally figured it out.

MS. BORGUS: It took them long enough, Lord knows.

I would like to also clarify this ownership thing. I looked through the papers that you have today, at your meeting, and I am thoroughly confused. Who is JR Realty?

JAMES MARTIN: We have to go through this again? Would you please come up and go through this one more time as to --

MS. BORGUS: I don't know.

JAMES MARTIN: It will end up being owned by Aspenwwood. That is the bottom line on this.

MS. BORGUS: Mr. Fallone had signed some of those papers. So I am wondering what piece he has in this.

JAMES MARTIN: I don't want to go through a long legal dissertation here. It is -- obviously the plaza changed hands and went to another owner. Kravetz took a lease on this parcel. You will end up owning it.

MR. TIERNEY: I can try to answer the question.

JAMES MARTIN: Try to answer it in fairly simple terms.

MR. TIERNEY: The real estate itself is owned by JR Real Estate. JR Real Estate then conveyed the out parcel up front, the property we're talking about here, this .93-acre parcel.

MS. BORGUS: Could I interject?

JAMES MARTIN: Back up. JR Real Estate, they took the property over from Mr. Fallone; is that correct?

MR. TIERNEY: Um, I don't think so. What happened was JR Real Estate sold this out parcel, I say "sold" -- they assigned a ground lease with Mr. Fallone's entity called Towne Plaza, LLC.

MS. BORGUS: Mr. Fallone is still involved somewhere in this?

MR. TIERNEY: No. Mr. Fallone's LLC conveyed that leasehold right to Aspenwwood. So now Mr. Fallone's entity is out of the picture. So now it is JR Real Estate is the owner. The ground lease flows down to Aspenwwood, and Aspenwwood has the right to sublet to, in this case, Laser Carwash. So there is -- the master -- there is the ownership, the fee ownership, the title ownership is in JR Real Estate. Then it is leased -- it was originally leased to Mr. Fallone's entity, Towne Plaza, LCC. The Towne Plaza conveyed its right to that lease to Aspenwwood and Aspenwwood then subleased down to Laser Carwash, subject to these approvals, which is not -- as was mentioned earlier, it is not that unusual way of conveying commercial real property. It is done all over the country. It might be new to Rochester and Chili, but it is not that unusual and all of these documents are a matter of public record at the Monroe County Clerk's Office.

MS. BORGUS: I don't dispute that. But I looked at it today and couldn't figure out --

MR. TIERNEY: It is very confusing.

MS. BORGUS: -- who is at 875 Avenue of the Americas, New York, New York.

MR. TIERNEY: That would be Kravetz Realty Management, where they have their offices. I represent Kravetz and Aspenwwood. That is where their management company is. They own property throughout the United States. They have their offices in New York City. They own lots of property.

MS. BORGUS: Kravetz?

MR. TIERNEY: Yes. They own lots of properties in Monroe County.

MS. BORGUS: They run it out of New York City.

MR. TIERNEY: They have a local office here, but the main office is in New York City. So just for clarification, Mr. Fallone is -- he is no longer part of this. And JR Real Estate actually has more or less relinquished its rights to this piece of property. Right now it is Aspenwwood by virtue of their lease agreement controlling this parcel and they have entered into a lease with the applicant.

MS. BORGUS: If there is a problem with maintenance then --

MR. TIERNEY: If there is a problem with maintenance, it would be the applicant's responsibility

because under the lease we have with them, they're responsible for improvements, maintenance, repairs, all of that. Getting the development rights, that is their responsibility.

MS. BORGUS: I just want it in the minutes, that if there is a problem, it is Laser Wash who has to take care of it; is that correct?

MR. TIERNEY: I think that -- I don't want to speak for Laser Wash.

MS. BORGUS: I would like it on record.

MR. TIERNEY: If there is an issue over maintenance, then I would say that the sublease agreement would control. We would take a look at that. But generally speaking, the maintenance responsibility is that of the tenant, which is Laser Wash.

MS. BORGUS: And Laser Wash, I see people are nodding their heads, so -- all right. It is just that this has been such a problem. Such a problem for so long, that we're sick of it. And we want it to end.

I also had a question, how far is the -- is the back corner of this parcel from that what is labeled existing store? I am assuming that existing building -- excuse me, it says existing building. I am assuming that existing building is The Dollar Store. Where it says existing building, is that The Dollar Store?

JAMES MARTIN: Somewhere between 60 and 70 feet, according to the drawing.

MS. BORGUS: Now, with regard to these relocated pear trees, on the map, as long as somebody is here from the Conservation Board, maybe they can explain that. It says existing pears.

JAMES MARTIN: Dorothy (Borgus), we have already asked the applicant to replace any dead trees on his site and he has agreed to do that.

MS. BORGUS: How about the ones that are along the road that the D.O.T. planted that say existing honey locust. Whether those live is questionable. I don't know if the applicant is willing to replace trees on the right-of-way of the State.

JAMES MARTIN: That would have to be a goodwill gesture.

MS. BORGUS: That is about all that -- those trees are -- about all that is going to block the view of those cars entering that carwash is those line of trees. There is basically nothing directly south of the southerly angle of that driveway. There is nothing there. And frankly, I -- I -- I am surprised that the Conservation Board let that go. There -- there -- it's just open space. You will -- even if those honey locust trees grew, they're small. It is going to be a long time before those amount to anything in the line of screening, so basically you will look north from Buffalo Road and you will be looking right at those cars going in that carwash. I agree with Dario (Marchioni)'s point, I -- this -- this doesn't seem like a very good plan to have this building on an angle. It would seem much better to have it square with the road and match the other buildings along there.

JAMES MARTIN: Well, there is a lot of landscaping along the side of the building that --

MS. BORGUS: Not to the south.

JAMES MARTIN: Well, partially to the south. South and southeast.

MS. BORGUS: At the curb -- there is some between the lanes, between the building and the -- and the exit lane, but between the exit lane and Buffalo Road, which is what the public is going to see, there is not much. It is too bad that some of the landscaping that is in the back isn't in the front. Because from the plaza side, it really is not going to make that much difference. All you will see is the queued cars if they're back that far, but from the front, you will have a plain view of a very unattractive situation. When this building, if this building goes through this way, which I would hope we could turn it -- turn it so it is not angled, but if that goes through this way, how much of a view is going to be left of the interior stores in that plaza? What can you see through the driveway?

JAMES MARTIN: I don't think it is going to have a dramatic effect on that. It is not that large a building.

MS. BORGUS: But Tim Horton's is the building to the right; am I correct?

JOHN NOWICKI: Yes.

MS. BORGUS: So what you will see is what you can see through that driveway.

JAMES MARTIN: I think it is going to look a lot more wide open than you're envisioning, Dorothy (Borgus).

MS. BORGUS: I would have to agree with Mrs. Neder, that building is -- it needs some dressing up. That blank wall that is labeled southeast elevation is a terrible thing to look at from Buffalo Road. There is nothing there. And the fact that they're going to put a sign on it makes it even more

objectionable.

JOHN NOWICKI: Well, maybe, Dorothy (Borgus), they will take our recommendation and get us to a point where we'll have architectural review some day.

MS. BORGUS: This Board can do something about that right now. Yes, for many, many years we have been saying we want an Architectural Review Board and we should have one, but right now it is in the hands of this Board. I think you can ask to have them dress that wall up a little bit. It is too plain.

DARIO MARCHIONI: There will be bushes in front.

MS. BORGUS: Bushes don't take away from a wall with a door. Bushes don't help much.

DARIO MARCHIONI: Could you put a decorative window there to break up that wall?

MS. BORGUS: That would be good.

MR. BRINKWART: We could do that. But I think we would draw a fine line between nice and clean and neat and simple, clean and gaudy.

DARIO MARCHIONI: Could you design something for us that would look good to the building and --

JOHN NOWICKI: Could be done with the brick. Just outline a couple of squares along the wall just to break it up.

JAMES MARTIN: Basically writing, the Board asked the applicant to give consideration to an architectural feature to the southeast wall of the building. Is --

MS. BORGUS: That would be good. A little dentil work, a little detail.

DARIO MARCHIONI: That is a good idea, Dorothy (Borgus). Thank you.

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: I just wanted to clarify with the signage, you said there would be one building sign that is 5 feet by 9 feet?

JAMES MARTIN: That is what I heard, yes.

MR. BRINKWART: Those are the tentative dimensions. Our intent is not to put a sign on there that would require a variance. Whatever sign goes on there will meet the code of the Town of Chili.

MR. MILLER: Great. That was all.

JOHN NOWICKI: Just one quick question. Is there a dumpster planned for the site?

MR. BRINKWART: No. The amount of garbage is minimal. Any garbage would be in a tote stored inside.

JAMES MARTIN: Move to close all three.

JOHN NOWICKI: So moved.

James Martin made a motion to close the public hearing portions of these applications, and John Nowicki seconded the motion. The Board unanimously approved the motion.

The Public Hearing portions of these applications was closed at this time.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: They have paid the fee for final waiver. So we need to address that. Do we want to waive final at this time given the information we have heard at the public hearing?

JOHN NOWICKI: I want to ask a question, and direct it to Steve (Tierney), the attorney, if I can.

JR Realty, do you know who the owners are of JR Realty?

MR. TIERNEY: Actually, I do. It is Jimmy Rhen. He owns a couple other plazas in town. We have had some other business dealings with him. Don't know much about him. I have been in touch with his attorney, letting him know that we're here with this application so that he is preparing to convey the property to us if we get that far. So I don't know much more about him than that.

JOHN NOWICKI: Keith (O'Toole), are you comfortable with that situation because we're giving approval to JR Realty?

KEITH O'TOOLE: Yes.

JOHN NOWICKI: Because they're the ones that will -- are you okay with that?

KEITH O'TOOLE: Yes.

JOHN NOWICKI: Thank you.

JAMES MARTIN: What is the feeling on waiving final on this?

The Board indicated they would waive final.

James Martin went through the list of proposed conditions.

On Application Number 3, 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 ON APPLICATION #3: Unanimously approved by a vote of 5 yes with the following conditions:

1. Pending approval of the Town Engineer.
2.
 - a. Provide a map which demonstrates that from the point of discharge on the proposed site, straight out to the public highway, that all of the easements exist, cited by liber and page of deeds; and
 - b. Provide copies of the easements to show, in fact, they do have the right to go right onto the public highway across the other properties; and
 - c. A letter from Joe Carr, Superintendent of Highways approving the use of the system because there may be parts of the system which have not been surveyed in some years, which may not be up to the task.
3. Front and back doors of the car wash bay shall be closed during the wash cycle operation.
4. The proposed future bay should be removed from the site plan.
5. All landscaping plans shall be covered by the letter of credit.

On Application Number 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 application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

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

1. Pending approval of the Town Engineer.
2.
 - a. Provide a map which demonstrates that from the point of discharge on the proposed site, straight out to the public highway, that all of the easements exist, cited by liber and page of deeds; and
 - b. Provide copies of the easements to show, in fact, they do have the right to go right onto the public highway across the other properties; and

- c. A letter from Joe Carr, Superintendent of Highways approving the use of the system because there may be parts of the system which have not been surveyed in some years, which may not be up to the task.
3. Front and back doors of the car wash bay shall be closed during the wash cycle operation.
4. The proposed future bay should be removed from the site plan.
5. All landscaping plans shall be covered by the letter of credit.
6. Building shall be constructed in accordance with elevations and materials demonstrated to the Planning Board at the public hearing.
7. The Board asked the applicant to give consideration to an architectural feature on the southeast wall of the building.

Note: The Planning Board has waived final site plan approval.

On Application Number 5, 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 time line for the conditional use.

JAMES MARTIN: You plan to be in operation this year, as soon as possible; is that correct?

MR. McGEE: That's correct.

JAMES MARTIN: Normally, for new businesses, conditional use, we go two years, and then it is renewed at that point for a long period of time assuming there are no problems or complaints or issues, so I would say we'll do this for a period of two years.

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

1. Pending approval of the Town Engineer.
2.
 - a. Provide a map which demonstrates that from the point of discharge on the proposed site, straight out to the public highway, that all of the easements exist, cited by liber and page of deeds; and
 - b. Provide copies of the easements to show, in fact, they do have the right to go right onto the public highway across the other properties; and
 - c. A letter from Joe Carr, Superintendent of Highways approving the use of the system because there may be parts of the system which have not been surveyed in some years, which may not be up to the task.
3. Front and back doors of the car wash bay shall be closed during the wash cycle operation.

4. The proposed future bay should be removed from the site plan.
5. All landscaping plans shall be covered by the letter of credit.
6. Building shall be constructed in accordance with elevations and materials demonstrated to the Planning Board at the public hearing.
7. The Board asked the applicant to give consideration to an architectural feature on the southeast wall of the building.
8. This conditional use permit is granted for a period of two years.

There was a recess in the meeting.

INFORMAL:

1. Application of Metalico Rochester, owner; 1515 Scottsville Road, Rochester, New York 14624 for final site plan approval for new parking areas at property located at 1511, 1515, 1525 Scottsville Road in G.I. zone.

Rob Fitzgerald was present to represent the application.

MR. FITZGERALD: We were here July 6th. At that Planning Board meeting we received preliminary site plan approval on additional parking in the front of Metalico's building. There were two comments. One was pending Town Engineer. The second was to include two of the parcels into the consolidated drainage district. We have to submit paperwork to this, include it in the drainage district.

And comments, number one, as far as the Town Engineer is concerned, we have comments back from them. They just have one additional comment, which was just to add a -- expand our legend showing the hashing of the asphalt area. With that, we have had some additional talks with the State D.O.T. They did get a chance to look at this, and they're requesting that we now bring our driveways up to standard, which essentially means we're going to be resurfacing our access into the property, so that will be asphalt to clean up the project a little more, too.

We did receive a variance to park within the front setback and we also did get approval from the Conservation Board.

JAMES MARTIN: Any comments on suggesting that they consolidate?

MR. FITZGERALD: That is actually in the works.

JAMES MARTIN: That is in the works. I'm sorry. I missed that.

You received all of the Town Engineer comments. I will go to the Board.

JOHN HELLABY: Are you trying to hold that dirt dragging on Scottsville Road to a minimum? I don't think that will ever be done until that back area is concrete or paved. Just a general comment is that I am assuming that most of this parking over here (indicating) is for employees or whatnot. If we can minimize the in and out truck traffic, it would at least eliminate that mess.

MR. FITZGERALD: It is tough with this type of operation. It is a struggle, but I think with resurfacing, all three accesses in, just the addition of the asphalt in the front, that should clean it up.

JOHN HELLABY: I don't think it is so much -- the problem is when the trucks go in the back and they dump that stuff off, they turn around and drag all of the slop right back out with it, and that is where the problem occurs. Whatever they can do to mitigate it, it would be helpful.

MR. FITZGERALD: All I could add to that is Metalico did state that they do plan on resurfacing the back over time, as time and money permits.

JAMES MARTIN: They indicated that, too.

JOHN NOWICKI: The asphalt parking, is that -- the middle driveway, asphalt drive going in, is that parking lot to the left asphalt now?

MR. FITZGERALD: On the southern portion of the site?

JOHN NOWICKI: To the left, to the middle of the weigh station, to the scale.

JIM POWERS: Concrete, isn't it?

JOHN NOWICKI: Go to the right, right in the middle there, where the scale is -- will you asphalt that driveway? Or is it already asphalt?

MR. FITZGERALD: We would be adding this asphalt to these five parking spots.

JOHN NOWICKI: That is what I am saying.

MR. FITZGERALD: This area is existing (indicating).

JOHN NOWICKI: Then the other asphalt would be to the left -- to the right -- the other driveway is asphalt?

MR. FITZGERALD: Correct.

JOHN NOWICKI: This year?

MR. FITZGERALD: That is their intention, yes. They wanted to go two months ago.

JOHN NOWICKI: Okay. Thank you.

DARIO MARCHIONI: That was my question. This also goes -- those metal containers that are protruding for the fence, are they --

MR. FITZGERALD: They will all be pushed back beyond the front face of the building.

DARIO MARCHIONI: The last time I drove by, they were all still there.

MR. FITZGERALD: Yes.

DARIO MARCHIONI: That will clean it up a little better.

MR. FITZGERALD: I do -- I believe I have it depicted on the plan as well that that will be done.

DARIO MARCHIONI: But they're still there. Okay? That is the only question I had.

DENNIS SCHULMERICH: Anything done on the application to consolidate the three properties into one?

MR. FITZGERALD: We're in the process of working on that.

James Martin went over the proposed conditions with the Board.

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

1. Pending approval of the Town Engineer.

FOR DISCUSSION:

1. Pride Mark Development - proposed senior housing development at 4416 Buffalo Road in RM zone.

John Caruso was present to represent the application along with Nancy Smythe and Jim Barbato, Jr.

MR. CARUSO: We're going to move through a very short presentation here, but we needed some graphics to help us present this. I guess I will begin. I'm John Caruso with Passero Associates and I'm here tonight on behalf of the Rochester Presbyterian Home and Pride Mark Homes, plural. With me tonight representing each of those agencies, companies, is Nancy Smythe, the Executive Director of the Rochester Presbyterian Home and Jim Barbato, Jr., who is the President.

Our first -- I want to talk to you a little bit about our development proposal. It has a little bit of a story to it. For over two years we have been working with the Rochester Presbyterian Home to try to find a location in the Chili area to develop a 48-unit dementia facility. I will explain it in a little more in detail. But we have been looking in and around the Roberts Wesleyan area because of an affiliation they're developing for their nursing program and the ministries that are offered at the college.

So with that, we looked in and around this area, and one of the most promising areas we found was next to College Greene. Our interest there was to try to develop our dementia center, which has an Eden concept I will talk a little bit more about. This Eden concept is to be integrated into the community. Unfortunately, the -- the -- that area didn't allow us to be in the College Greene area, but adjacent to it. But it was still close enough. What we were trying to get was sort of the senior living demographic next to our senior dementia, so seniors with seniors, in that integration. We're trying to build that. But we weren't in it. We were just adjacent to it. So it was not perfect, but it was good.

And we were across the street from Roberts Wesleyan.

Unfortunately, we didn't find anything. We searched and searched and moved into Ogden and out of Ogden. We sort of followed utilities or rock was an issue and so finally we met up with Pride Mark and Jim Barbato and Jim, Senior. And we found that they were also interested in moving forward with their project, and we talked about the opportunity of integrating their parcel with the Rochester Presbyterian Home. They had looked at doing apartments here, a little higher density project, but we were able to do a layout and because of the changing times, a more adaptive use of their site and better use would be to use some high end town homes, because that seems to be where the market is, and integrate into it our dementia Eden concept, design concept. That is what we're showing you here. That is the quick lay of the land.

I would like to go a little bit more into it. I will explain it to you in both users' descriptions. So with the Pride Mark side, it is a proposed mixed-use residential development. The parcel is zoned multi-family, RM, so the zoning is there. We have been able to provide this layout such that we don't have any variances. There was plenty of room to offer the required setbacks, the buffers. The parcel is 20 acres in size and we would subdivide it into 13 acres in here (indicating), and this area here (indicating), which is the Rochester Presbyterian Home site, would be about 7 acres. The adjacent land uses, as you can see, are residential here and here (indicating). A little residential here (indicating). But this area is commercial, General Business (indicating) and obviously the plaza, General Business here (indicating). This is the Community Center, the North Chili Community Center (indicating).

Within the Pride Mark community we have a 57-town home unit proposal. It would have a community center right here (indicating). And that community center would also serve as a rental office, a business center, a space for residents to come gather and rent for birthdays or any event, and it would have a fitness center.

These are ranch-styled, two bedroom, two bathroom with two car garages with a two-car parking stall in front of the garage, so each unit would have four car parks, which is great because we don't have to worry about them parking on the street.

So that is certainly meeting code.

And the design of these facilities would be such that we call it easy living architectural design. But it would really be more towards senior adults, that type, not three-bedroom family type. This is -- if I could use some of Jim (Barbato)'s words, you know, we want it to be -- we don't want to have to don this area as a senior project, but we do like the fact that it is more attractive to seniors in with our senior dementia assisted living facility.

Here is the site plan blown up a little more (indicating).

This is just an elevation at the conceptual stage of Pride Mark's facility. Two-car garage, front entrance, several windows. Light is an important thing. You can see we're using different gables to break up the roofs. A change step in here (indicating). These buildings will also step on the side with a grade. There is a bunch of grade on the site, to the architectural and construction style that you would expect from Pride Mark Homes.

At this time, I just wanted to talk a little bit about the Rochester Presbyterian Home and the Eden design concept. As I talk about it, I want to talk about two things. One is the home and describe to you some of the physical features of the home and we'll talk about the benefits of the Eden concept.

This is the layout of what the floor plan for the Eden concept is (indicating). This is 12 units in each of these buildings. You can see how they are interconnected with a great courtyard in between. This also helps our security. We're caring for dementia patients and there is no way for them to escape. They can also use, you know -- people are always concerned about that type of thing. It is really a misnomer. These folks are well cared for, always under supervision, and you will see a little bit more about them in a minute.

We do plan to have some sort of ornate either masonry or ornate fencing, and in here (indicating), there will be individual gardens and some of the elements that you will be looking for in a home.

But in talking about the home, the physical features of it is four self-contained buildings, 12 elders in their earliest stages of dementia. Each person has their own bathroom and bedroom, central areas, open kitchen and dining areas, common living areas, family and friends are welcome to join at meal times.

JIM POWERS: John (Caruso), are these one floor?

MR. CARUSO: Yes, one story. Thank you for asking me that.

There is a part of these buildings that have a place for the clinical support team office, so there is that type of care, and that team will collaborate to create daily routines to meet the individual's needs. So these residents have some dependency, but the ability to try to have a normal life.

Some of the benefits of having this type of a facility is innovative residential units. It is built like a home. This is where they're going to live. It enables the staff and elders to function as a family unit. You can go visit your mother or father and have dinner with them. You can sit in a room with other people. You know, they act like people do who congregate.

We talked about our involvement with Roberts Wesleyan College with their volunteer program, their nursing and their ministries. This type of Eden concept allows residents to grow and eliminates the plaguing that is usually associated with institutional life. This is a different type facility. This is new, state of the art. There is only one done in the country. The second one would be done here in Chili. It would be it would be tuned to Rochester Presbyterian Home's type of need. It would be customized, if you will.

JOHN NOWICKI: Is this the same Rochester Presbyterian Home as on Thurston Road?

MR. CARUSO: Well, the Thurston Road facility does not offer enough land and it is very different from what we -- what we're proposing here. This is a unique design, and the proximity to school is one of the things that brings it to Chili.

You know, people of all ages showing respect for all. In this facility, in this home, people can have pets and plants. Family can visit. It is stimulation.

JOHN NOWICKI: Pets?

MR. CARUSO: Yes.

JOHN NOWICKI: Pets? Hmm.

MR. CARUSO: You know what you're thinking, what Nancy (Smythe) says. A home that truly is a home. That is what you're thinking. It is neat. We'll show you more about this as we develop the plan.

For the last few minutes I broke this project into two different sites and I talked about what does Pride Mark propose to do and some of the specifics of it. We talked about the Eden design concept and what we'll do from Rochester Presbyterian Home. Those are the elements and what they're proposing in their development. But let me wrap that up and talk about some of the things that you're used to seeing as a Planning Board and what we would be going through at the site plan. These are the physical aspects of the project.

The physical aspects of this site is that this zoning, being RM, is between single-family residential zoning and commercial. The transitional use, using high density to moderate density to single-family home low density is classic 101 transitional zoning. We not only have it in this direction (indicating), but we have it in this direction (indicating). So really the design worked out well, and we did that on purpose.

Access to the parcel is separated from the major intersection, and this is our access point here (indicating). What we're trying to show is that cars that might back up from the signal light here, which used to happen -- hopefully it won't happen now, but we are far enough from the major intersection for it to have an impact on our driveway location. That's a plus to this project.

The buffers are well maintained. We're proposing the buffers. They meet code, and we'll be enhancing them through design. We know that we absolutely want to put a huge buffer here (indicating) between our project and the back of the plaza. So look for that in our plans as they develop.

What is better than local traffic and transportation improvements recently being done in this area. Million of dollars of improvements put into this intersection. We think that what could be 150 units and apartments here really generating all sorts of traffic -- this project is whittled down to 57 town homes because the dementia project, the Eden project will have virtually no traffic other than the care givers who come to and from work and families, but that is not going to be during the core business hours, those hours that we study. So essentially, it is a 57-unit project in an area where millions of dollars of signal and highway capacity improvements were just done. We couldn't have written a better script.

The area is recently developed. The plaza has been facelifted. We have a new drugstore. We may have a new drugstore here (indicating). This corner was just done with the video, and there is the restaurant here (indicating). And then down the street obviously is the Union Station project. So this area has just recently been redeveloped, and this is a moderate development to help support it and the

infrastructure and businesses are there to support it. So it is sort of neat there is a little economy developing in that area.

And then finally, the physical aspects is integration of the project amenities by design. We placed this in here (indicating) and we placed the roadways so that there is a common driveway serving both projects. If you notice on your plans, you will see an island down the middle of this (indicating). We'll make a little bit of a boulevard, put some trees on it. We want a nice entrance to not only the residential area, but to the RPH Eden project. There will be a nice sign welcoming you into this. But we have common access all of the way around, fire lanes for the Fire Marshal, but if you come to visit your mother or father, you will come and park in front of the building, in which they are. It is not a parking lot. We have eliminated, if you will, the institutional effect of this.

We have also integrated by design, all of the walkways, the sidewalks, the lighting and the landscaping to integrate people who want to go for a walk around the neighborhood; they can. That is part of the Eden concept. I will tell you from – I know this much (indicating) about the Eden concept, until we get into it further, but Nancy (Smythe) is just a world of information along with Christy and their other board members or committee members who are leading their expansion charge.

JIM POWERS: Town-dedicated roads?

MR. CARUSO: Private roads.

JIM POWERS: Will you have the lighting and sidewalk district?

MR. CARUSO: Um, we will have lighting in this area (indicating). I'm not sure if we're going to have lighting yet here (indicating). We may have in -- instead of dedicated lighting districts, we may have private lighting. But that is to be determined in the next phase, and I will talk about that in just a minute.

So where are we going from here? Well, we see this project moving forward, and this is our schedule. We think that the design phase is going to start after this meeting, and it will take us about six weeks to bring it up to what you would look for from us in a preliminary design.

We know we need to attend Drainage Committee meetings and technical and planning meetings with Town staff. We need to hold a neighborhood meeting. We have technical design meetings with other governing agencies, the State, water, sewer agency. We usually meet with them to make sure we're doing things right.

There is drainage we need to work out with the Highway Department and Town Engineer. We have to attend a Conservation Board meeting. We always do that now. We show them our landscaping and talk about some of the elements that are interesting and important to them.

And we think after we get that all done and submit back to the Board, that we will then come back for a public hearing and that public meeting would probably be in and about October.

So the phasing of the project, just to let you know, how the phasing would break up, we would do a component of the town homes broken into two, but the Rochester Presbyterian Home project would be in Phase 1, and Pride Mark would also do Phase 1. We don't know when we would do Phase 2, but we think in the spring of '07, we'll do at the least this much of the project (indicating). That is because there is shared access. Makes sense to put it all in at once and share the cost; sewer, water, lighting. We really want to go in and do the earth moving, the ponds, the drainage and then get it all seeded and established. That would be the way to do that. So hopefully we can integrate that together.

And our approval process would be very similar to what you're used to seeing. We would be seeking to provide you with enough information to do a negative declaration on SEQR.

It would be a coordinated review, sent to the County.

There are public lands here (indicating), and it is big enough that it would be a Type I action. We would just go through our normal review.

Preliminary overall site plan approval we would, one, divide out this piece (indicating), so it would be a two-lot subdivision. Then we would ask for final approval from each phase of the project and then we would seek technical approvals. So sort of same old, same old that you're used to seeing.

And that is it. That is our presentation. We have both the Barbato – James Barbato and Nancy Smythe here to help answer any questions you might have about their use and our next step is the technical design, but we would like any input from this Board that we can use in our design.

JAMES MARTIN: Would the townhouses be slab construction or basement?

MR. CARUSO: Slab on grade.

JIM POWERS: I know originally they were going to put an apartment project in there and have

gone through to get all of the different variances. For this project you will not require variances; is that correct?

MR. CARUSO: At this point I don't see we need any variances from the layout we have done so far. It is our intent, and with this plan, we are code compliant.

JIM POWERS: In the upper corner there, in the left-hand side, the water tower is up the road?

MR. CARUSO: Yes.

JIM POWERS: There's a street that dead-ends?

MR. CARUSO: Right.

JIM POWERS: Was there ever any thought of -- of course I would not hook it into this project anyways. Is there any thought ever given to tying into that particular street?

MR. CARUSO: No. That -- there is the street there. That is a cul-de-sac dead end and there is the water tower (indicating). No. This is a private -- you know, these are town homes for present. It would be a private road. We're not intending to tie it into the Town's street system.

MR. CARUSO: That point he brings up, back -- what was it, 2003? There was a comment. I have the old -- my old notes here, that an emergency road was going to be paved through there. Paved up to the right-of-way of Keith -- is it Keith Terrace? Is that what it is? So that was the original proposal that you gentlemen came in, you and your dad, back in 2003. Whether or not that would apply at this particular point, I don't know how the Fire Marshal would look at it.

MR. CARUSO: That's something for us to pursue to find out if they would require that.

JAMES MARTIN: I think they were asking that, with that for a crash gate so they could have dual access to the site.

MR. CARUSO: Good input. Thank you.

DENNIS SCIBETTA: If I may, I think that part of that was because of the density of the site the way it was.

JOHN NOWICKI: It is a lot different. This is a whole -- it may not be necessary at this point.

MR. CARUSO: We'll check into that with Jim (Martin).

JOHN NOWICKI: This is the original sketch that you came in with, and it is entirely different.

JAMES MARTIN: It should be reviewed.

JOHN NOWICKI: The other question I had was on the -- you mentioned the rentals for the town homes, and the dementia units, I assume those are rental units. Are they like assisted living?

MS. SMYTHE: Yes.

JOHN NOWICKI: Services for the people on a monthly basis.

MS. SMYTHE: Licensed as assisted living residence under the Department of Health and it would be a monthly fee.

JOHN NOWICKI: So similar to assisted living?

MS. SMYTHE: It will be assisted living. It is not nursing home level.

JOHN NOWICKI: I'm very curious because I am a pet lover. How do you handle pets?

MS. SMYTHE: Right now at the Presbyterian Home, we have seven cats, dog, rabbits and some birds and we do very well. It is an opportunity for the residents to give care as well as receive care and we see that as very valuable.

JOHN NOWICKI: They themselves don't own the pets?

MS. SMYTHE: Yes. Some bring them. Because that companionship is very important to them. For someone to leave their home and have to give up a pet, we don't think that is really right for them.

JOHN NOWICKI: I agree.

MS. SMYTHE: We like to allow them to bring the -- depends on the pet. The pet has to be screened just like the resident.

JIM POWERS: Who will make sure I take my medicine every day?
(Laughter.)

MR. CARUSO: We'll have to have a vet on site soon.

MS. SMYTHE: We do have a vet that we work with that is associated with the home.

MR. CARUSO: It is tied into Roberts Wesleyan.

MS. SMYTHE: We have met with Dr. Martin, and you know, we would like to collaborate for volunteers, for opportunities for employment. A lot of their programs. Social work. They have a social work program, nursing program, clerical programs. That would be a wonderful collaboration.

DARIO MARCHIONI: Will Barbato build both projects or is the other separate?

MR. CARUSO: We're working with Barbato right now, with Pride Mark, and with the Rochester Presbyterian Homes and we're trying to work out a deal where Pride Mark will build all of the facilities.

DARIO MARCHIONI: So you have continuity with the type of material, color schemes.

MR. CARUSO: It is absolutely important, especially to Nancy (Smythe) and the Presbyterian Home, that the architecture all be similar.

JOHN NOWICKI: You have a nice partner in Pride Mark.

MS. SMYTHE: Thank you. That is good to know. We want it to look residential and certainly because it -- they're going to be homes. So I think it is a really good fit.

DARIO MARCHIONI: We do care who is going to be the builder.

JAMES MARTIN: You may have touched on it, but from the original plan to this, there was obviously a significant density reduction from where we were before. I don't remember the exact numbers where we were, to where we're at.

MR. CARUSO: No, Jim (Martin), I'm sorry, we were not the engineers of the past plan. John (Nowicki), can you read the density for me?

MR. BARBATO: We were close to 150, about 150. I think 150.

JOHN NOWICKI: 155 units.

MR. BARBATO: That is about where the density was, I think, allowed on the site.

JAMES MARTIN: It is about a third.

MR. CARUSO: We'll be down -- there is 57 and 48, so we're about 110, round numbers, but we are less than what is allowed, and it is not about density any more.

JAMES MARTIN: I understand.

DARIO MARCHIONI: But the car amount would be less. The vehicle amount of this project would be a lot less.

MR. CARUSO: With what these two folks have started to plan to put together, it really is -- has turned out to be a lower impact use with a great impact on the community.

JOHN NOWICKI: 272 units plus 65 for visitor parking before.

JAMES MARTIN: I understand the demand for the townhouse portion of this. You know, what is the demand right now for dementia care, and are you significantly backlogged in the community? Can you comment on that?

MS. SMYTHE: Yes. We actually did some marketing analysis a few years ago to look at the trends. Certainly the greatest demographic are the people 85 years and older. That is the fastest growing segment. 65 and older is another fastest growing segment. 85 and older, one in two will have some kind of dementia diagnosis. I think there will be actually a greater need as we move ahead and more people living longer. Our average age at Presbyterian Home is 86. Right now we have 65 folks with early stage dementia. We have been doing this since 1994 and there is a great demand for our services. It is a very need driven market.

JOHN NOWICKI: Would you want to go on record and tell us what kind of symptoms you need to have to -- only because I'm approaching it rather quickly.

MR. CARUSO: John (Nowicki), I left half of the stuff in my car coming in here tonight. (Laughter.)

DARIO MARCHIONI: I have a question. Is there any intention of acquiring next to this additional lands with this project for -- or is this it?

MR. CARUSO: At this time, no. You know, the Town -- there is the Town land that is next to that, and I don't know if -- if there is any interest from Pride Mark to say publicly, you know, whether they would be interested in developing that. I don't know if it could -- it could be integrated into this project as a Residential, but it also has that General Business component, and it probably could be better served as -- along Chili Avenue as the general business component. So...

JOHN NOWICKI: Well, they have a master plan going on in the Recreation Department now that will probably be playing in and along that Town property there.

MR. CARUSO: Yes, we did.

JAMES MARTIN: So that will be looked at.

JOHN NOWICKI: Thank you. Great presentation.

JAMES MARTIN: Thank you. Great presentation.

MR. CARUSO: Thank you for your input.

JAMES MARTIN: Thank you for coming tonight and thank you for looking at Chili.

2. Peter Romeo - proposed Dunkin Donuts at 3313 Chili Avenue in G.B. zone.

Peter Romeo and Jett Mehta were present to represent the application.

MR. ROMEO: Mr. Chairman, members of the Board, my name is Peter Romeo. I live in the City of Rochester and I have with me the proposed developer, Jett Mehta.

What is being proposed is the purchase of the northeast corner of the existing plaza at 3313 Chili Avenue and the development of single-story Dunkin' Donuts with small leasable area as an adjunct.

I believe as part of your package you should have an overall site parking plan that was prepared by Avery Engineers. You do?

JOHN NOWICKI: There is a site drawing here.

MR. ROMEO: It shows all of the parking for the plaza, and this parcel.

Even though they don't show a total on there, if you count the spaces, there are 87 spaces provided, and the plaza, the existing building and the proposed Dunkin' Donuts and adjunct, the sum of those generates 87 spaces.

So the number of spaces balance.

Currently, this site is paved to the south right-of-way line of Chili Avenue, and working southward, if you will, this is all paved all of the way to the south line of the existing property.

There is a dashed line between the east property line and the east curb line of what would be the bypass lane. That is a strip of green that we would propose removing.

The net effect of this proposal is that we would, in fact, have less pavement and more green space than currently exists.

The entire plaza frontage is paved to the south right-of-way line of Chili Avenue.

What we have done is retained and utilized the existing curb cut onto Chili Avenue, and arranged ten parking spaces between the south right-of-way line of Chili Avenue and the south wall of the building.

The access to this site which is proposed to be purchased would be via proposed access easement, and there would probably -- there would be some cross easements between the two parcels so that traffic can flow as an integrated site plan.

What is being proposed is a relatively modestly-sized building. We also propose that the envelope for this building not be the prototypical synthetic stucco box, but of traditional design with gabled roof, cross gables and dormers.

There is this -- computer-generated partial perspective to the left of me that shows a rose-colored band below. That would be a brick veneer with a precast concrete cap, and the walls above would be clapboard siding. We show awnings over window and door openings, and a modest-sized wall-mounted sign on the gable end facing Chili Avenue.

Relative to impact on the storm water flows currently, all of the storm water flows sheet drainage from north to south, and it is our intention to -- not to disrupt that overflow -- that overall flow pattern.

Also, it is proposed, if you will notice, there is a stacking lane with the capacity of seven cars, and then there is another lane outside of it, commonly referred to as an escape lane or a bypass lane. The operation between those two lanes is a pavement stripe. There is no curb between the two lanes. That arrangement facilitates a number of contingencies, namely if a car gets stalled in a stacking line, the cars can maneuver out and exit the site.

Also, we believe it is a benefit for accessibility by emergency vehicles.

Also, what is proposed abutting the north wall of this footprint is a modest patio with table seating for eight. We show that to be buffered from the parking area with a 6-foot-wide landscape strip.

Relative to utilities, we can get power, telephone, gas on site south of the Chili Avenue driving lane, if you will. We would have to generate a new water service and sanitary sewer service, or lateral north -- north of the building, through the property, bored under Chili Avenue, making connections with utility mains on the northerly section of Chili Avenue.

We have shown in the southeast corner of this sub parcel, a screened refuse enclosure. Access to it and egress from it is facilitated by the dual vehicular lanes that are on the south side of the building and

on the east side of the building.

We believe that we have accommodated snow storage requirements by taking what is a currently paved area along the north property line, designated as a 15-foot-wide landscape strip. Also, at the south end of the property, which is now currently all paved to the south property line, we have a modest area that is shown to be landscaped that would accommodate the snow removal.

Site illumination. If you will notice on the plan there is an existing pole light just west of the building. We're proposing that that be relocated. The location of it to be coordinated with the parking layout that was generated by Avery Engineers.

We anticipate that the illumination on the east side of the building and on the north side of the building would be accomplished by wall sconces.

That essentially is the presentation in a nutshell.

This area that is to the -- along the westerly portion of the existing site is simply the outline of the existing building, which is multiple tenancy, and this is also reflected on Avery's -- Avery Engineering's overall site plan, their parking plan.

JOHN NOWICKI: The leased area, what would you think, Peter (Romeo), would be the types of uses that would go into that leased area?

MR. ROMEO: All I can do is defer that question to Jett Mehta.

MR. MEHTA: Typically in this type of use another restaurant use is probably the best user for us. We tend to see pizza or sandwich shops that would be interested, maybe small retail, a hair nail salon or video. Really depends on how many feet we have. Restaurant is highest and best use. Or tanning, hair, nails, that type.

JOHN NOWICKI: The parking for the leased area is outside of the leased area. Are you buying this property or leasing it?

MR. MEHTA: We'll be purchasing the property.

JOHN NOWICKI: Your parking for the leased area is outside of the property?

MR. ROMEO: Yes. There would be cross access agreement and use agreement.

JOHN NOWICKI: Okay. That was my question on the leased area and the cross access agreement.

The architecture I'm looking at on the computer-generated one, is that the elevation from Chili Avenue looking at it head on?

MR. ROMEO: No. That is the elevation from Chili Avenue looking at it from the northeast corner of the site. This shows the front of the building. A couple of generously sized double-hung windows. This is an aluminum door and frame with divided lights in it (indicating).

JOHN NOWICKI: Facing Chili Avenue?

MR. ROMEO: Yes. This area in the front, which doesn't show a landscape area, this is a patio (indicating). This would actually be extended (indicating), so there would be some modest greenery separating the patio from the access aisle that serves these ten parking spots.

This projection (indicating) is the drive-thru window projection. So it is more than just a bay window that is popped out of the wall. There is actually a change in wall surface, and it has an aesthetic benefit because it creates a reason to put a cross gable right as this shows (indicating). Likewise we would have a cross gable across the vestibule, and we would also have dormers on the west side of the building to give it a more New England effect or traditional effect.

JOHN NOWICKI: The last question is, the owner realizes how many coffee shops we have in Chili Center and are you aware of that situation?

MR. ROMEO: He has driven the strip very often.

MR. MEHTA: I'm aware.

JAMES MARTIN: This leased area, you know, we had a Dunkin' Donuts come through for approval on Scottsville Road that also had a section that was going to be a leased area. Right now it's vacant. It has been vacant since they built the building. And I got to be honest with you, I mean it is -- you know, it is starting to look a little shabby over there. So I have a little concern about leased area again where, you know, that issue is coming up. You know, with no real identified tenant. There was no identified tenant when that project got approved over there. It was hoped there would be something going in there. Well, nothing has gone in there, and I just worry about, you know, again, a big empty space sitting there, you know, void of any tenant and just kind of, you know -- I know obviously the whole building needs to be maintained and kept up, but, you know, when I go by that place on

Scottsville Road, it kind of bothers me, because it doesn't look very good. I mean I don't know what your future plans are, just something to keep in mind, because I will ask that question again, you know, if -- as this goes further, because I just don't want, you know, big voids sitting there.

MR. MEHTA: Sure.

MR. ROMEO: Mr. Martin, it doesn't appear to be prudent at this point to chase the specificities of the lease space because we have two area variances to contend with. One is the lot depth. The configuration of the parcel renders it less than a minimum required of 250 feet. And the ten cars that are parked in the front are parked in the front yard. So that triggers another area variance. So the two area variance -- those two hurdles need to be met and hopefully overcome right before there is a real need to focus on the identity of this lease area.

JAMES MARTIN: I'm not getting -- I don't want any specificity on that at this point. I'm just indicating to you I'm unhappy with what happened on Scottsville Road under a similar circumstance, okay, and I know you're on the ZBA agenda for your variance request.

MR. ROMEO: Right.

JIM POWERS: I would just ask him about the dumpster area there in the corner. Will you have the trash back up to get to it?

MR. ROMEO: No. They can drive in. They can drive in, back up a tad to get into this dual lane (indicating). Egress through here (indicating) then out. So they really don't have to back out into the main traffic aisle.

JAMES MARTIN: They just pull in and dump overhead?

MR. ROMEO: Front loaders.

Then it is normally done during -- non-peak hours, so they can take advantage of the width of both of these lanes, to maneuver back slightly to egress.

JIM POWERS: What is the seating capacity going to be inside the Dunkin' Donuts?

MR. ROMEO: Seating capacity I believe is 22. 22, and then another 8 on the patio.

Actually, according to the ordinance, the parking requirement is based on the square footage proportion, the percentage. The minimum required is one per 200 square feet. That translates to 10.14 spaces for Dunkin' Donuts and the leased area, we assumed at the same density, which is a relatively high density of 1 to 200 square feet, so that generates 4.75, and if you add it together, the closest whole number is 15. So 10 of the 15 are accommodated with what is shown on this site plan.

DARIO MARCHIONI: Mr. Romeo, did you mention that right now that western -- well, behind this building, or the west side of McDonald's is a green area?

MR. ROMEO: Correct.

DARIO MARCHIONI: A real sharp green area. Will you cut into that?

MR. ROMEO: It is not as sharp as you think.

Actually, the slope is relatively gentle at the north end of the lot. As you proceed southerly, it gets a little bit steeper.

DARIO MARCHIONI: How much green area will be left after -- along that strip? What is the width of that? Is there any --

MR. ROMEO: I can give you a pretty good idea.

DARIO MARCHIONI: I thought McDonald's owns that.

MR. ROMEO: If you take a look at the site plan, this is the east property line (indicating). This line above it is the edge of parking for McDonald's (indicating). Back when McDonald's was built, they have a temporary grading easement to modify the grades that -- the grade that is on the west side of their west property line.

We have had a total utility survey done by Avery Engineers, and the grades that remain to the east of this new curb line, to the property line, are -- they're modest grades with slopes of maybe one and -- one on four at the most severe portion, which is at the south end of the site and the slope gradually flattens out until you get to the front of the site, to probably one and six or one and seven. The grading -- the -- the grading challenge requires that this finished floor be lower than this (indicating). So -- otherwise -- also, I have concluded that the grading for -- to accommodate this project does not have to extend west of the west property line.

If I brought a topo map, it would be easier to describe. But I have worked it out so that the sidewalk slope does not exceed 5 percent, so that it doesn't trigger the requirements for a ramp as opposed to a slope walk. And on the -- as this site plan gets further developed, you will see that there

is also a handicapped -- there is a ramp that is cut in here (indicating), all right, to service this occupancy, because if this is the only ramp, the only way you can get to this doorway (indicating), all right, is to walk up to the ramp, step down the curb, onto the driveway, back up to the curb and then into this spot (indicating). So this will have an additional ramp way up into -- up to -- to provide access to this small area in the back (indicating).

DARIO MARCHIONI: My next question is, are you familiar with the Bank of Castile and the Mini Lube across the street? Have you seen those two buildings?

MR. ROMEO: I have.

DARIO MARCHIONI: Fedele's building.

MR. ROMEO: Yes.

DARIO MARCHIONI: Architecturally speaking, which way are you going?

MR. ROMEO: Which way are we going?

DARIO MARCHIONI: In other words, those neighbor buildings, which -- the texture that you have, is it more towards the Fedele's or the bank and the Mini Lube. The bank is all brick.

MR. ROMEO: Typically, the prototypical -- the plan -- the plan is a prototypical plan, but the envelope deviates significantly from what I call the flat roof synthetic stucco box. We use more traditional materials. Obviously even the partial perspective shows that we have gabled roofs with cross dormers.

So I don't know if you can really say this mimics any of the above, all right, but it is definitely not the contemporary box.

JOHN NOWICKI: You would have some of the treatments of a coloring standpoint from the Dunkin' Donuts shop, right?

MR. ROMEO: No, not necessarily. The typical Dunkin' -- well, the typical synthetic stucco box has almost a ruby red mixed in with very light grays, and false joints created within the patterning of the stucco. We have only done -- we have only done one of those. All of the others that we have done. We have done one in East Aurora. Olean. There is one being proposed in the Town of Allegheny. They're all of the non-contemporary style, if you will.

JIM MARTIN: Is this rendering similar to those that you have here, this elevation?

MR. ROMEO: The massing is -- the massing is identical. The Olean facility is all clapboard sided. We thought that we would include brick veneer with a precast concrete band at the window sill line just to give it a little bit of a variety in material texture and in color.

JAMES MARTIN: You have any photographs of those other facilities?

MR. ROMEO: Sure. Not with me.

JAMES MARTIN: I would like to see those. I would like to see what other communities are getting.

MR. ROMEO: Sure.

DARIO MARCHIONI: I don't know if you were here prior to the carwash, but they're bricking up that whole building. Just the bottom stripe is a split face block. Architecture is very important, especially in this area. We would like these to conform with architectural treatment.

JOHN NOWICKI: The concept here is very interesting. Very attractive.

MR. ROMEO: As equally significant is the massing of the building. A lot of the older buildings along Chili Avenue are essentially flat tops, boxes.

JAMES MARTIN: I mean conceptually going this direction is certainly a significant improvement over the cookie cutter square flat top buildings.

MR. ROMEO: Interestingly enough we have almost developed a mind set when doing these, that is what we reflectively revert to. Ironically they probably cost less than the flat top cookie cutter.

JAMES MARTIN: Fine.

JOHN NOWICKI: Any pertinence on the roof? Any exhaust fans on the roof? Are they hidden with the dormers or can they be hidden?

MR. ROMEO: Um, with -- with these, with this setup, I believe we will put the air handlers inside. And the condensing units are remote on the outside. They're -- each of these are relatively small footprints, the condensing units are not very large.

DARIO MARCHIONI: Any fluorescent lighting on the exterior of this building at all?

MR. ROMEO: No. We do it all with wall sconces. I will bring in photographs. You will see the wall sconces. They are very simple vertical wall sconces. Most importantly, they cast adequate

illumination along the longer leg of the pickup lane for a number of reasons. They provide enough light so that one driver can see whether the driver in front of them is stopped or proceeding.

We may put a relatively short post topper out here (indicating) just past the curb line, shining southward so that this area is adequately illuminated. This plan also does not show the highway illumination which ultimately would be shown.

KEITH O'TOOLE: Couple of points. Most of these places have refrigeration units, coolers. Do you have one, and does --

MR. ROMEO: Yes, we do.

KEITH O'TOOLE: It is going to be enclosed.

MR. ROMEO: Interior. It is not -- it is not the prefinished package that you normally see tacked on.

KEITH O'TOOLE: Dropped on a slab?

MR. ROMEO: Yep.

KEITH O'TOOLE: I would -- I understand that you would be coming in front of the Zoning Board soon.

MR. ROMEO: Yes.

KEITH O'TOOLE: It would be helpful if you could come in with a plan that would show the relationship between your improvements and the adjoining buildings over on the McDonald's site, to see how it lines up.

MR. ROMEO: For style you mean?

KEITH O'TOOLE: You're asking for a setback variance. It is typically to know how it relates to other buildings and their setbacks.

MR. ROMEO: The setback variance is not for the building, but for the parking of the front yard.

KEITH O'TOOLE: Okay. I stand corrected.

The other thing I would ask, if you can bring in an elevation showing all of the proposed elevations of your architecture.

MR. ROMEO: We would do that.

DENNIS SCIBETTA: I don't know if it was noted, there is no on-site cooking in this facility or baking, you're aware of.

MR. ROMEO: Very good point. This is really a -- it is what we call a satellite store. So they don't do any baking in here. They buy the -- baked from Tim Horton's and ship -- I'm kidding.

No, they're baked off site, but they're finished on site. So they really don't have a commercial kitchen.

DENNIS SCIBETTA: That is why they would not need the rooftop units.

JOHN NOWICKI: Thank you. Good question.

DARIO MARCHIONI: How about the varieties? Will you have all of the different varieties that Dunkin' Donuts usually has?

MR. ROMEO: You have to talk to the marketing group.

MR. MEHTA: Yes. It is transparent to the consumer. We just have a central baking facility. Products are baked twice a day and shipped to the stores. They're iced or filled to all of the same varieties you would have in any other location.

The 711/06 Planning Board minutes were approved.

The meeting ended at 10:10 p.m.