

CHILI PLANNING BOARD
October 13, 2005

A meeting of the Chili Planning Board was held on October 13, 2005 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: Dario Marchioni, Karen Cox, John Nowicki, Ray Bleier, Dennis Schulmerich and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; Larry Nissen, Town Engineer Representative; Dick Schickler, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative.

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

PUBLIC HEARINGS:

1. Application of David Harris, Harris & Co., owner; 11 Chestnut Ridge Road, Rochester, New York 14624 for preliminary site plan approval to erect a two-story addition at property located at 11 Chestnut Ridge Road in N.B. zone.

Carl Schoenthal and Brian Ostling were present to represent the application.

MR. SCHOENTHAL: Good evening. Carl Schoenthal with the MRB Group, engineer for the project. Here with me this evening is Mr. Brian Ostling the contractor with K West Development. Mr. Harris has not appeared here yet tonight for the meeting.

Chairman and Planning Board, we're here to present a project that is a two-story building addition on a piece of property that is at the corner of Chestnut Ridge Road and Chili Avenue. What we have put up on the board here is the elevation drawing of the proposed addition. The purpose for the addition is to expand the commercial office, professional office use of Mr. Harris, which is an accounting office, and it is proposed as shown here to be two stories. A portion of the second story is also proposed to be used as a -- as an apartment, which is also -- the expanded professional use and apartment are both proposed as conditional uses within the Neighborhood Business District, which is the zoning classification for this particular project.

The overall square footage between the basement, first and second floors proposed is 4,500 square feet, and within the site plan is -- as provided to the Board, we show a total of 26 parking spaces, and we also acknowledge the need for two area variances which are on Chili Avenue and Chestnut Ridge Road, and we presently have an application into the Zoning Board of Appeals to hear those requests.

We have received comments from the Town's Engineer, and we anticipate addressing those comments. We also anticipate an application into the County D.O.T. with regards to two existing driveways that we're looking to update on the site, as well as a drainage connection that is proposed off site.

The site plan, I will take a second -- this is just to show the audience the perspective of what the facility is intended to look at -- look like from the street.

This view here (indicating) will be the view from Chestnut Ridge (indicating) and this view here will be the view from Chili Avenue (indicating). This view here (indicating) is the view that will be from the neighboring property, which is to the east. What I would like to do is show the site plan, and just help to answer any questions or depict what we're representing here.

This is Chestnut -- or Chestnut Ridge Road is here (indicating). This is Chili Avenue (indicating). The parcel is quite a bit smaller than the green space area that is presently visible. There is quite a bit of right-of-way that was taken for the purpose of relocating Chestnut Ridge Road back when the intersection was redeveloped here (indicating). This is Fenton Road

(indicating), which I understand these two streets here are presently County highways.

There are two driveways onto the site. One that comes off here (indicating), which is on the west side of the building, and actually is about this size right here (indicating). That is what is presently there.

There is also a small driveway that comes in on the east side. What we're proposing to do is, because of the size of the addition, and the need to get into both the basement level and first floor level, is to propose parking at the lower level and upper levels and then have access at grade for accessibility reasons to reach the lower level and to reach by ramp the second level. The third level, which is proposed to be the apartment, will have its own separate parking area, in this area, and then steps up, and then within the building, there will be steps up to the second floor.

Total amount of parking is 26 spaces. What has been updated on this plan, from the one that has been supplied to the Planning Board, we show the handicapped spaces on the upper parking level, which would be more appropriately used for tenants and clients -- clients as they come in to use the facilities, and this will be parking down below (indicating) for office employees. The tenant parking for the second floor will be two spaces provided off the existing driveway.

Very difficult to try to get parking or to get accessibility for circulation of vehicles down to the lower level without coming around the other side and allowing the grades to be lowered across this side (indicating) of the building to be able to come in without there having to be a very difficult, high and steep ramp condition, and to try to also preserve, keeping these trees that presently are on the border of the parcel.

In addition to the parking, we're proposing landscaping improvements which include some trees, a landscaped island within the parking area, and also some shrubs and vegetation to help provide a nice improvement presently to the front of the structure.

The back part of the structure, which is the first -- there is a one-story attachment onto the back of the building -- will be reconstructed to be able to provide for a consistent and very professional looking facility from the views presently on Chili Avenue and Chestnut Ridge.

In summary, we're looking at maintaining the landscaping, trying to do all of the development that we can within the boundaries of the current landscaping plan. There is already presently quite a bit of green space around the site. We recognize this is a corner parcel, and we're sensitive to trying to provide a facility here that will blend into the neighborhood, and provide -- it's not necessarily going to be what I would say a commercial appearance, but more of a residential-type appearance through the package that Barden Homes, their commercial division, is providing for the building itself.

Across the street is a little convenience store. Next-door here (indicating) is a service facility for vehicles, and we feel this will be an enhancement, improvement to -- and fit within the guidance and the permit requirements for Neighborhood Business zoning.

We also have further information, landscaped plan and grading plan. If there are any specific questions at this point, I would be happy to answer any questions that the Board may have.

JAMES MARTIN: I guess what I would like to have you do is specifically address the points that the Town Engineer raised in his letter to you. I would like to -- before we get into questions here, that might clarify some things.

MR. SCHOENTHAL: First question regarding the area of ground disturbance should be quantified.

The parcel area is less than 1 acre. It is, in fact, .48 acres and the area of disturbance is less than that. The requirements for pollution prevention control with regards to -- the full requirements of the Phase 2 storm water apply to a site that is in excess of 1 acre of disturbance. However, we have, in light of those requirements, have added erosion and sediment control features, and we have put in a sub-surface detention pipe that will accommodate the storm flow requirements of the Town to be able to still bring this site into compliance with those requirements. The only requirements we won't need to require are the weekly inspections that are part of anything over 1 acre in size.

Number 2, "The applicant has proposed to drain the site into an existing catch basin of unknown ownership. Attenuation of all applicable recurrence interval storms is proposed. However, if the catch basin is owned by the NYSDOT, their approval for the connection is required."

That comment is specifically related to where we propose to exit the site, there is a catch basin within the right-of-way.

We had comments from County D.O.T. with regards to work within their right-of-way, and the showing of highway reservation which we show, but we'll be making application to the County and State D.O.T. to connect at that location. We propose to connect with a very small diameter pipe, which is at the flow that currently comes off the existing parcel, so there is no net increase in runoff.

Item Number 3, "Increased usage of the eastern curb cut onto Fenton Road is proposed. We

suggest an analysis of stopping sight distance be completed for vehicles making a left turn into this entrance from Fenton based upon a 30 mile an hour design speed. Enlargement of the western parking area and elimination of the eastern curb cut may be preferable with regard to safety.”

We looked at different alternatives. We looked at three different alternatives. We looked at using this existing curb cut (indicating), then bringing traffic down to the lower level. A lot of filling would need to occur. We actually would not be able to accommodate as many spaces as we are able to accommodate with this proposal. These are two existing curb cuts (indicating). This one will be widened (indicating) as a result, and there are some deficiencies as a result of the location of this, with regards to this -- this curb here (indicating).

We intend to try to provide further documentation as to the effectiveness of stopping sight distance and that. We presently don't have that information. We have received the comments just last week on -- on that item there. So that is something that we intend to try to provide further information on and send to the engineer.

Another alternative was to utilize existing entrance and only have a couple spaces here (indicating), and we also looked at other configurations of the building in order to provide effective parking on both sides, but we kept coming back to the need to have a retaining wall and then separate these two parking areas as the only way to effectively provide the amount of parking that is required by the code, which we are still under the amount that is required. The code requires, as we understand -- let's see what I had here. 31. We're actually showing 26. So due to the limited size of the parcel, and the inability to connect the two parking lots, due to the grading limitations we have -- there is quite a bit of a drop-off there. This is the best scenario we were able to come up with.

Comment Number 4, regarding -- which is -- that is self-explanatory.

JAMES MARTIN: Yes.

MR. SCHOENTHAL: So we do have further information to provide on Number 3 which we intend to provide.

JAMES MARTIN: Okay. In actuality, I should have announced this before we got started. We will be hearing 1, 2 and 3 simultaneously here since they all basically pertain to the same project, so that should help move things along.

RAY BLEIER: I have a few questions. First of all, what is the addition going to look like compared to the existing building, and are you modifying the existing building, with siding or anything of that nature?

MR. SCHOENTHAL: The proposed building addition, this is presently the existing building (indicating), which is clapboard sided, painted red. There is a small addition onto the back. I believe the addition is to be removed, and the new proposed project will be included two stories back to here (indicating), and then there will be a roof line, which will -- this direction (indicating), east and west, two stories, and to try to be -- vinyl siding, we would try to match the residential nature of the existing house structure that is currently being used as an office. I don't know the colors, if they have been selected at all, but I would imagine that the color selection will be an enhancement to try to coordinate between the two structures. I don't know if there are any other improvements proposed for the existing building.

MR. Ostling: We'll probably side it.

JAMES MARTIN: Just for the record, state your name.

MR. OSTLING: Brian Ostling from K West Development, the contractor for the project.

MR. SCHOENTHAL: The lower half will be exposed split-face block to try to break up the amount of siding on that one side. But it will look like the back side of a house structure. There will be vegetation trees existing there.

RAY BLEIER: Presently Mr. Harris is conducting business there in the existing building?

MR. SCHOENTHAL: Yes.

RAY BLEIER: How many employees does he have working there?

MR. SCHOENTHAL: I believe he has two or three. I believe he has three at this point. His season does expand during the tax time. And that is when a lot of transactions and additional parking is required.

RAY BLEIER: What about the nature of the -- well, the additional business that might come there as -- is there anything known about that type of business?

MR. SCHOENTHAL: My understanding at this point is he would like to be able to potentially allow for an acceptable tenant to share the basement area, but at this point, he is intending to utilize that for health benefits for his employees. Have some exercise equipment. I believe he has a pool proposed in the basement. Those kinds of elements there, because he is very interested in that. So it will be utilized by his existing company presently. So the employee

entrance will be in the basement, come through that area, changing room and that, and then be up into the second -- or the first floor level.

RAY BLEIER: Those two handicapped spots down there, towards Chili Avenue, the bottom, the back of the building there, now, what elevation are you -- you say there's a ramp going up there. Where are they going? Into the ground floor, or first floor?

MR. SCHOENTHAL: We have revised the plan. The parking-- the handicapped spaces were initially intended to be at this level. We have revised the plan to show two handicapped spaces out at this level, and the ramp will come up from the parking lot and enter at this point (indicating). There are three steps different between the existing house floor and the floor of this portion, and that is intended to try to bring the structure elevations down as much as possible. So the ramp will be -- well, it will be an at-level-grade entrance in this, and then a ramp into the upper portion. And the handicapped parking places shown at the lower level will not be painted as such.

RAY BLEIER: Okay. That is starting to get a little confusing there.

Now, your conditional uses are conditional uses directly specified under the Neighborhood Business code, so you're not asking for any special relief in this regard?

JAMES MARTIN: I will back up for just a second to keep the record official here. As I have already announced, we're hearing under this public hearing Applications 1, 2 and 3. I read Application 1. I will now read Applications 2 and 3 just to be sure that we're on the straight here and I put it in there.

2. Application of David Harris, Harris & Co., owner; 11 Chestnut Ridge Road, Rochester, New York 14624 for conditional use permit to expand office area with a two-story addition at property located at 11 Chestnut Ridge Road in N.B. zone.

3. Application of David Harris, Harris & Co., owner; 11 Chestnut Ridge Road, Rochester, New York 14624 for conditional use permit to allow an apartment on second floor of office building at property located at 11 Chestnut Ridge Road in N.B. zone.

JAMES MARTIN: We're hearing all three simultaneously.

KAREN COX: Can you show on either of these two elevations which part of this building will be the apartments, or apartment, I should say?

MR. OSTLING: The apartment is up in this area right here (indicating). There is a little porch on the back side.

KAREN COX: So essentially all four of those windows I see on the west elevation will be the apartment?

MR. OSTLING: Yes. Up here as well (indicating), across the back. And across here (indicating), this is all -- so the entire second floor, just about, is apartment.

We have made basically a false roof up here (indicating) to get a better tie-in, because this is just single story right here (indicating). This is the part of the old house.

If we go up a little higher, this is the apartment right here (indicating). So it is about 1200 square feet up there.

KAREN COX: Is there a tenant for that apartment?

MR. OSTLING: Well, Mr. Harris is actually toying with the idea of living up there with his wife.

KAREN COX: Short walk to work.

MR. OSTLING: Yes.

KAREN COX: Are there any concerns from a fire code standpoint as far as how far some of those windows are from the existing ground? Because of the nature of the topography, some of those windows are pretty high from the existing ground.

DANIEL KRESS: That is all regulated by the Building Code.

KAREN COX: What is that?

DANIEL KRESS: It is all regulated by the Building Code. Until I have a set of construction drawings, I can't answer the question as to whether, you know, whether that is acceptable or not.

KAREN COX: But that will be --

JOHN NOWICKI: Then how did we vote on it?

KAREN COX: Yes. I mean that is -- I -- they just look very high off the ground, some of them, to me.

If the State D.O.T. does not allow that catch basin tie-in, do you have other --

MR. SCHOENTHAL: We'll try over-land flow to the catch basin that is presently taking flow from the site. Our preference is all below grade, but if not, we'll just do it over the surface.

KAREN COX: That was all I had.

JOHN HELLABY: Outside dumpster storage, or dumpster enclosure, I do not see on here.

MR. SCHOENTHAL: At this point, none are proposed. We're just going to utilize probably a toter in terms of the amount that will be required. I believe that is presently what he is using.

JOHN HELLABY: You did state this is a Barden package type situation. Everything is coming in panelized?

MR. SCHOENTHAL: Brian (Ostling) can answer the questions about the construction stuff.

JOHN HELLABY: I notice that the two handicapped parking spots are on the lower level. Is there an elevator required for ADA requirements? Or is there an elevator proposed?

MR. SCHOENTHAL: We're proposing at grade entrances for both the lower and the upper. We have modified the plan to show handicapped spaces at the upper level. I apologize for not -- that is the only change really.

JAMES MARTIN: Is that level where the office activities are?

MR. SCHOENTHAL: Correct. We anticipate the employees entering the lower level and utilizing the lower level for their own use, storage and that, but also potentially that lower level would have its own tenant use in -- the plan is to separate those, fire separations and the drawings, as I understand, which will be supplied in preparation for building permit, to meet required codes for separation and fire -- and fire separation and that.

JOHN HELLABY: Presently, though, he plans on using both spaces, upper and lower?

MR. SCHOENTHAL: Correct. Correct.

JOHN HELLABY: If he does decide to rent out the lower space in the future, is there some provision to remove the access, or just block it, or --

MR. SCHOENTHAL: Well, there will be fire doors within the stairwell that will go up different levels.

JOHN HELLABY: So just securing?

MR. SCHOENTHAL: Correct.

JOHN HELLABY: Could you touch a little bit on the retaining wall, and the exact location? Give me an idea how I -- I guess looking at the drawings, it appears to be about a 6-foot difference. I would like to know how we plan on keeping the vehicles from going over that there.

MR. SCHOENTHAL: Yes. This dark heavy line here is proposed as the retaining wall.

The top of wall elevation, and -- on the -- and the grading proposed, at this point here, there is about a 4-foot drop at the corner, and then there will be green space between the parking and the wall, and we will likely need to put some sort of guardrail barrier at this location (indicating) for potentially backing in, and also across the front here (indicating). Where there is more than 12, 18 inches of separation, we're proposing to put a barrier suitable for vehicle protection.

JOHN HELLABY: Which is not presently noted here.

MR. SCHOENTHAL: Correct. We'll update the plan to reflect that.

JOHN HELLABY: Site lighting?

MR. SCHOENTHAL: Site lighting at this point, we're proposing, if anything, I believe we're talking on the building, shoe box type lights that will just shine down over the entrances, and there is presently none that I know of on the site itself, so we're not looking to add any more than what would just be on the building.

JOHN HELLABY: I guess the only other thing I have got is a comment. I guess just due to the overwhelming size of this thing, colors are going to be critical. Naturally you don't want a barn-red type structure of that magnitude sitting on that corner. Keep that in your mind.

JOHN NOWICKI: What is wrong with barn red?

JOHN HELLABY: That size, a little disturbing, I think.

KAREN COX: You sure would know where the business is.

JAMES MARTIN: That is the color there now.

MR. SCHOENTHAL: I believe he just bought the building recently, so I don't think he purposely -- he will be looking to do something there.

JOHN HELLABY: I just say keep it in mind.

MR. SCHOENTHAL: Appreciate the comment.

JOHN NOWICKI: Well, we have covered the compliance with the building and fire codes, which is going to be necessary before I feel comfortable, that I want to make sure we have that under control.

Who is going to be stamping these drawings for the architectural, and the site? Is that your firm, or is that Barden Homes?

MR. SCHOENTHAL: We'll be providing the stamp for the site and Barden will have an architect stamp and sign off on the building permit plans.

JOHN NOWICKI: Okay. And the gentleman from Barden Homes indicated that, for the record -- I would like it in the record, if your -- he is going to side the existing home? Is that going to be a definite?

MR. OSTLING: It is just about definite. I don't see any good way to blend it otherwise.

JOHN NOWICKI: Okay. I think I would like to see a solid statement on that, and as -- and also as to the type of siding and the color, and the more specific details of how that building is going to be treated from an aesthetic standpoint.

Snow removal, how do you intend to handle snow removal?

MR. SCHOENTHAL: On the site, we have an area past the parking lot. We wanted to try to fit another space in there, but felt it was important to leave an area here (indicating) for snow storage. We understand, too, that the way the wind is blowing across, that this will collect a lot of snow.

This area here (indicating) will be pushed and we'll probably start to lose a few spaces as time goes on. But I believe presently the parking lot that is here (indicating), the snow is pushed off towards the end, so it would pile up in this area here (indicating). We don't intend to store any storage of snow within the right-of-way. We also have a gutter along this edge (indicating), so as snow is melting and water is running down this side (indicating), it is shed and angled by grading into this parking lot to this receiver presently here (indicating).

JOHN NOWICKI: Are the storm gutters and down spouts tied into a drainage system, or are they just allowed to go out in splash blocks?

MR. SCHOENTHAL: I believe at this point our intentions would be to try to go subsurface. We have not illustrated anything on the plan. Our intention, we have a storm sewer here (indicating), and a storm sewer that runs over to here (indicating). This area will likely be surface (indicating). We may be able to tie in something and bring it over to here (indicating), but the underground system is pretty far from the building, so we would have to run it -- a separate line up to collect that.

JOHN NOWICKI: How about in the basement area, in regards to footing drains, whether this will be inside or outside or both, and will this be tied to a sump pump and where does the sump pump discharge?

MR. OSTLING: There will be inside and outside drains, and the discharge will be off -- will obviously go subsurface, but we would like to vent it to daylight before it gets to the catch basin.

MR. SCHOENTHAL: This portion of the building from here (indicating) to about here (indicating) will all be pitched down from the elevation of the building here with --

JOHN NOWICKI: What is the --

MR. SCHOENTHAL: This right through here (indicating).

JOHN NOWICKI: What is the finished elevation height from finished floor to finished ceiling?

MR. SCHOENTHAL: 8 feet?

MR. OSTLING: I don't think that is on the plan.

MR. SCHOENTHAL: We have top of floor to top of floor.

JOHN NOWICKI: What is the height?

MR. SCHOENTHAL: Just under 10 feet.

JOHN NOWICKI: So 10 feet of clear space for --

MR. SCHOENTHAL: From top of floor to top of floor.

JOHN HELLABY: You have to deduct for the floor. 9 foot probably.

JOHN NOWICKI: 9 foot.

KAREN COX: Yeah.

JOHN NOWICKI: Okay. I would like to discuss in a little more detail, if you wouldn't mind, please, the refuse disposal. We have an ordinance in the Town for enclosed dumpsters, and how do you intend to handle that?

MR. SCHOENTHAL: Well, as I stated earlier, there is a place over on this side of the building (indicating) where we would intend to use like enclosed toters with the wheels. We do not feel that the amount of refuse will require the need for a dumpster.

JOHN NOWICKI: So you're going with -- will you have an enclosure for these or something that just sits outside the building?

MR. SCHOENTHAL: At this point we would reserve the space in this area (indicating), and have those be outside. We could provide a fenced area for those to be in, wood-sided type of

structure, and then make those -- shield those from the street possibly. We could provide for that.

JOHN NOWICKI: I think I would attempt to do that in your architectural drawings.

You have had a chance to look at the County of Monroe's comments?

MR. SCHOENTHAL: Yes, sir.

JOHN NOWICKI: You feel comfortable with all of those, and do you have any problem with those?

MR. SCHOENTHAL: We're comfortable with them. The reason why this plan is a little different, we added those comments to our plan, and we'll be addressing the additional comments as we continue to update the set of documents.

JOHN NOWICKI: I see you're all set with the Conservation Board as far as your landscaping plans are concerned.

MR. SCHOENTHAL: Yes, sir.

JOHN NOWICKI: Approval on that.

MR. SCHOENTHAL: We did submit it. I didn't receive any --

JOHN NOWICKI: They will be stamped with the Conservation Board seal.

MR. SCHOENTHAL: Right.

JOHN NOWICKI: So it is going to be vinyl siding, and it is hard to read on these small prints here. The roof material -- is the roof going to match the existing roof of the old house, or all reroofed?

MR. OSTLING: All reroofed.

JOHN NOWICKI: That's good. Thank you very much.

DENNIS SCHULMERICH: Could you help me a little bit with the left lot dimensions? I realize it is irregularly shaped.

MR. SCHOENTHAL: The depth of the lot right here (indicating), at its narrowest point is 178 -- 118.8 feet. This dimension here (indicating) is 166.20, and then another 20 feet or so to the corner. So this is about 186 feet here (indicating). You have about 118, 186 there (indicating).

DENNIS SCHULMERICH: Okay.

MR. SCHOENTHAL: This across is about 145 (indicating), and this here is 90 (indicating) plus 40, about 130.

One of the County Comments was a 40-foot highway reservation. That only applies to a small area down here (indicating), so the right-of-way -- 40 foot off the center line is about here (indicating), so we still have about 50 to 60 feet past that.

DENNIS SCHULMERICH: So when I look at the dimensional requirements for the NB zone, the 250 minimum foot depth for the lot, does that create an issue for us?

MR. SCHOENTHAL: We do have an area variance request in for the setback, as a result of that being a very narrow -- well, preexisting condition that we are trying to handle through the request for an area variance.

DENNIS SCHULMERICH: What about the front yard, 60 foot minimum?

MR. SCHOENTHAL: Right.

DENNIS SCHULMERICH: Same thing?

MR. SCHOENTHAL: Right. We have a 75 foot front setback as a result of these being special conditions per the code, which that 75 foot is actually right up to the edge of the existing building. So in order for us to do any development or improvement requires us to request a variance.

DENNIS SCHULMERICH: Any side yard variances required as a result of side yard minimum of 40 foot?

MR. SCHOENTHAL: We have 36.6 on the existing. I guess I -- -- side yard --

DENNIS SCHULMERICH: It is adjoining a neighborhood street, so you have a 40-foot minimum.

MR. SCHOENTHAL: We have 20-foot setback so we have another variance on the side required.

DENNIS SCHULMERICH: So it sounds like -- am I totaling three at this point?

MR. SCHOENTHAL: Yes, you're correct.

DENNIS SCHULMERICH: Other question I have is if you look at the addition that you're putting on, I see 4500 square feet in a couple different places. Is that the total square footage of the old and the new?

MR. SCHOENTHAL: Just the new.

DENNIS SCHULMERICH: It's 4500 square feet, plus an existing 2460 square feet?

MR. SCHOENTHAL: Correct.

DENNIS SCHULMERICH: So a net 6960 square feet roughly?

MR. SCHOENTHAL: Right.

DENNIS SCHULMERICH: I believe one of the requirements in terms of code indicates no more than 30 percent of the lot coverage can be existing structure. I think you're in excess of that, so that will require a variance as well.

MR. SCHOENTHAL: No, sir. The building coverage we have calculated as 13 percent.

DENNIS SCHULMERICH: 13 percent?

MR. SCHOENTHAL: Right. That is for the footprint, not the floor --

DENNIS SCHULMERICH: Okay. You have a three-story building here. All right. So we're looking at three variances then?

MR. SCHOENTHAL: Yes, sir.

DENNIS SCHULMERICH: Okay. All right.

The only other question I had is if we were to make continuity or consistency of the siding a condition of approval, would that be acceptable to the applicant?

MR. OSTLING: I believe so. We have spoken with him about that, and he is amenable to it.

DENNIS SCHULMERICH: Okay. All right.

DARIO MARCHIONI: Did we mention lighting on this project at all?

MR. SCHOENTHAL: There is nothing on the drawings showing any exterior pole locations. We're just anticipating lighting over the entrances at the doorways, which would be downcast type lighting. We can add notes to that effect probably to clarify that.

DARIO MARCHIONI: What is the total height on the lowest section of this building to the roof, to the top of the roof? Do you have a general idea?

MR. SCHOENTHAL: Lowest point, shortest point -- likely from the floor, will probably be about 22 to 23 feet, and probably 25 to 30 at the peak, depending where along the outside grade you're at. The requirement is 35 feet, as I understand in the code, the minimum -- or maximum height.

DARIO MARCHIONI: So you're within the --

MR. SCHOENTHAL: Correct.

DARIO MARCHIONI: On the architectural, will you put any shutters to kind of break that barrack type look at that elevation?

MR. OSTLING: We don't have shutters planned.

DARIO MARCHIONI: But in other words --

MR. OSTLING: They can be added very easily. We can do that.

DARIO MARCHIONI: We're talking about shutters. At the end of the roof now, you have a gable end, right? What do you call that?

MR. SCHOENTHAL: Yes. This is a gable.

DARIO MARCHIONI: Any chance of putting a hip roof there to kind of cut in that roof line so that you don't see that (indicating).

MR. SCHOENTHAL: Along Chili Avenue, you will see this elevation (indicating). When you're at the corner, coming up Chestnut Ridge, you will see this (indicating), and this will be -- you will have a combination of ends, so I think we feel that that is, you know, appropriate treatment.

DARIO MARCHIONI: If that roof was cut to a hip roof, I think it would look a lot better architecturally. That is my opinion.

MR. SCHOENTHAL: If there was -- narrower, I agree it may be worth considering. We can possibly propose --

DARIO MARCHIONI: But you have siding all of the way up to the peak, you know what I am saying?

MR. SCHOENTHAL: We could possibly give two examples of what that elevation would look like for your review, if you would like to review what the two would look like.

DARIO MARCHIONI: It is huge. You have what, 303 feet all of the way up there? If you could do some treatment with that roof, I don't think it will have to be that much of a change.

MR. SCHOENTHAL: I'll defer to our contractor.

DARIO MARCHIONI: Or else an architectural venting up there in the very top, some sort of a -- you know, the beautiful architectural vents that look like round --

MR. SCHOENTHAL: That would probably be a preferred method of -- I'm sure there is a reason why the roof is as it is proposed, Brian (Ostling)?

MR. OSTLING: Well, the owner likes it that way, but I think some kind of gingerbread up there would look nice.

DARIO MARCHIONI: With some shutters on those windows, dress it up a little bit.

MR. OSTLING: Sure. I will bring it up with the owner and see what he thinks about it, but I

will pass those comments along for sure. I can't speak for him.

DARIO MARCHIONI: I want an answer. I want to know what way I can vote.

RAY BLEIER: Will you hold up a vote for that? Come on.

DARIO MARCHIONI: Can I get an answer on that?

MR. OSTLING: I will certainly bring it up with the owner, and say that is your preference, to see some --

DARIO MARCHIONI: I mean you're on the corner. It is going to look like a beautiful building. It is a nice building.

MR. OSTLING: Nice building.

DARIO MARCHIONI: It is a visual area, especially around that curve, coming into Chili, I think a little more architectural treatment would really add to the building.

MR. OSTLING: I can agree with that. I'm not sure that shutters is the way to go, but maybe some trim around the windows would look good. Wider trim around the windows might look better.

DARIO MARCHIONI: With some design on top of the windows, some --

MR. OSTLING: Could you do little keystone or some type of dressing on top of the window?

DARIO MARCHIONI: You know we're talking --

MR. OSTLING: That might be a better approach, is to dress up the windows rather than put shutters.

JAMES MARTIN: I agree. And something up near the peak would be good.

JOHN NOWICKI: Nice rural look.

DARIO MARCHIONI: I also prefer instead of split-face block there, some brick, but maybe I'm asking too much. I have no other questions.

DENNIS SCHULMERICH: Do you consider this a three-story building?

MR. SCHOENTHAL: I initially drafted the request as three stories, we're occupying three stories, but someone said it is two stories with a basement.

DENNIS SCHULMERICH: I'm just asking so we don't get caught up in a specific detail. The code says maximum building height of two and a half stories or 35 feet, whichever is lesser. So if that ends up being an issue, then that will probably be another --

MR. SCHOENTHAL: When I came in, the secretary advised it was a two-story addition. So that --

KAREN COX: What about the Building Inspector?

JAMES MARTIN: You okay with that, Mr. Kress?

DANIEL KRESS: Yes.

DENNIS SCHULMERICH: That's fine. Then there are no issues on that. I just want to make sure we don't get caught up with an approval and then, you know, we have another variance required.

JOHN HELLABY: Just a point of interest. That 36 of 40 inch pipe that was supposed to retain the water flow, can you explain how that is metered there on the catch basin? Just quickly. Don't go into a lot of detail.

MR. SCHOENTHAL: Real quick. There is a 40-foot long section of 3-foot diameter pipe laid flat down here between two manholes so water will enter and then will rise, and then once it reaches the top, then it will exit out of this manhole here (indicating) through a 4-inch pipe that will drain into the catch basin or the manhole that is the existing one there, just a 4-inch pipe.

JOHN HELLABY: What invert is that 4-inch pipe back compared to the invert on the larger pipe?

MR. SCHOENTHAL: It is at the top of the 40 -- of the 36-inch pipe. So 556.35 and then the 4-inch pipe is at 559.02, so it is -- so the top of the 4-inch pipe matches the top of the 36-inch pipe.

JOHN HELLABY: Then the balance of the water, what, just filters out of there over time?

MR. SCHOENTHAL: So the water will fill the pipe, and then just will be released into the - - subside. If it reaches the top, at that point it will be released across through the top of the other pipe.

JOHN NOWICKI: Is that pipe perforated?

MR. SCHOENTHAL: Yes. The intent is to just subsurface discharge, but with a known capacity.

DARIO MARCHIONI: Did we mention signage at all?

MR. SCHOENTHAL: The signage that we're looking to do, and it is listed here, relocating an existing wood sign that is presently on the side of the hill, that same sign will just be relocated down within the property, between the trees and the edge of the right-of-way.

DARIO MARCHIONI: Lighted sign?

MR. SCHOENTHAL: Presently just the existing wood sign that is there. He may want to light the sign. We'll try to comply with whatever --

JOHN NOWICKI: The same.

MR. SCHOENTHAL: Exiting sign, just relocated.

DANIEL KRESS: Did I understand correctly you are talking about moving the handicapped parking signs, and they're not going to be where it is shown on the plan?

MR. SCHOENTHAL: Correct.

DANIEL KRESS: Then what do you do when you get a new tenant for your lower level?

MR. SCHOENTHAL: We'll put one down at the lower level.

DANIEL KRESS: Just as long as you understand that is where you end up.

My other question regarding signage, you're not intending to have any signs other than those directly for the business and the building on the property?

MR. SCHOENTHAL: That is my understanding.

DANIEL KRESS: Okay. Because you had one for several weeks this summer that was on a business that was actually across the street and not on the property, and it is not there any more, and I would kind of like to know if there is some plan for it to come back.

MR. SCHOENTHAL: I can't answer that question. We can talk to our client about that.

DANIEL KRESS: All right.

JAMES MARTIN: Is there a condition we should be recording around signage aspects on this particular application?

DANIEL KRESS: No. Signage is as -- as depicted on the plan, and as previously approved by the Zoning Board in 1990.

LARRY NISSEN: I have got the -- Carl (Schoenthal), have you made any attempt to determine what the infiltration rate will be for the storage?

MR. SCHOENTHAL: We just used the soil survey data, but we have not taken --

LARRY NISSEN: I don't think I saw anything about that in the engineering report. I'm not sure it is our call anyway.

MR. SCHOENTHAL: In the engineering report I referenced the soil survey information predominantly being a -- I can --

LARRY NISSEN: I can't recall there being any calculations to determine how long it would take to infiltrate.

MR. SCHOENTHAL: It had a rate that I remember referencing here.

LARRY NISSEN: Sounds like MC DOT's or New York State D.O.T.'s call anyway; is that correct?

MR. SCHOENTHAL: Yes.

LARRY NISSEN: Well, I -- from the Town's view point, I don't have an objection to it because you will tie in the County or State system. They may well want to show that, and probably to protect the interest of the Town and show the County and State we were on their side, we should probably get that straightened out.

MR. SCHOENTHAL: 6.3 inches per hour, so the full pipe will release in a time period under six hours. We can provide further testing if that is required by the State.

LARRY NISSEN: The other thing I should bring up now, so we don't hold you up, the drainage along the east side of the east driveway, it doesn't look like have you sufficient channel capacity there to convey that drainage to the catch basin to the south.

MR. SCHOENTHAL: This gutter (indicating)?

LARRY NISSEN: Yes. I see there is sort of a squared-off area, and I didn't know if that was meant to be a concrete gutter. It was not called out.

MR. SCHOENTHAL: On this -- yes, I believe the note got removed, but we're proposing a gutter along that edge, a concrete gutter. And having that be a couple inches below where we're coming in with the existing grade so it at least stays with the gutter.

LARRY NISSEN: Yes, we'll probably need that back there, because it is not very deep. I think we could just pass flow to the east if we don't have something like that.

MR. SCHOENTHAL: I will add a note that reflects that gutter and provide a detail for that because that hasn't been provided either.

RICHARD SCHICKLER: I have a question in regards to landscaping. You have nine six-inch deciduous trees, whether they're maple or not, I'm not sure. Are those going to stay?

MR. SCHOENTHAL: The ones along the road frontages, we initially talked about taking every other one out, because they're pretty dense and too close together, but our preference was to add landscaping and then address that if that was a concern down the road, because they're existing. We didn't want to shock, you know -- start taking down and start -- and create an adverse situation

by knocking a lot of stuff out. We wanted to add to it and eventually prune those out if we could in the future.

RICHARD SCHICKLER: Other than that, the landscaping plans are fine.

FRED TROTT: Just a couple of questions. You mentioned about the entryway on Fenton Road. Is the sight distance acceptable for that?

MR. SCHOENTHAL: There was a question raised by the Town's Engineer regarding that, and as mentioned earlier, we'll have to provide further details on that. At this time we don't have that information. But there are two preexisting driveways. From this direction (indicating), visibility is good from the corner. Question would be from this direction here (indicating), coming around the corner. But it is a very tight, sharp corner. There are driveways directly across that that are actually a worse condition than these, because those are the ones more difficult to see, and those are the existing businesses. In a neighborhood setting -- we can provide further documentation, but our feeling is we're in a better situation than what is presently across the street in terms of driveway entrances.

LARRY NISSEN: My main concern, someone coming down Fenton Road from the north, would like to make a left turn into this easterly driveway, and they're held up by traffic traveling east on Fenton Road, then somebody behind them on Fenton Road could easily -- particularly with bad road conditions, could -- it looks a little dangerous.

MR. SCHOENTHAL: I can provide further documentation on that.

LARRY NISSEN: If you just defer to actual criteria, that would be fine.

MR. SCHOENTHAL: I can supply that directly to Larry (Nissen)'s office.

FRED TROTT: You mentioned you would move the sign. Will that be -- you said you will move that towards -- I understand towards Chili Avenue.

MR. SCHOENTHAL: Correct. To the --

FRED TROTT: Will that affect the sight distance for the people that are on Chestnut Ridge Road, trying to make left or right turns? Will that be affecting their sight? How far back, I guess.

MR. SCHOENTHAL: It potentially could cause an obstruction. It is going to be out as far as the trees presently are, the ones that are up above, where the -- the canopy of the trees. We could look at that location and possibly propose tucking it up closer. That may be something we want to look at.

FRED TROTT: That would be a little bit of a concern there, because that is kind of already an issue trying to get out of there.

MR. SCHOENTHAL: Your other option is to take it back to here (indicating). If I drew a line from that stop point, it does run right through that sign. That is a good point.

DANIEL KRESS: My office does occasionally receive complaints about visibility at that corner, so moving that back a little bit or over a little bit probably wouldn't be a bad idea.

MR. SCHOENTHAL: I would propose that we relocate that sign over towards the east as much as possible to stay within the client's property. I think the more we do it over here (indicating), it is going to be blocked by the trees, and it is -- probably not preferred. I can make a note of that.

JOHN NOWICKI: The existing and proposed driveways and parking areas, paved?

MR. SCHOENTHAL: Correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road.

MS. BORGUS: Up in my neighborhood we have one house that has been put up within the last year, year and a half, and it stands out in the neighborhood and in our neighborhood, we refer to it as Fort Chili. It just rises out of the ground, and it's -- you can't ignore the thing. It's plain. It's a different color. It's certainly -- doesn't add anything to the neighborhood. And when I look at this, especially thinking red, I can't -- and with its austere design, softened by nothing so far, I can't help but think we'll have two of those in Chili.

My grandmother had an expression -- it sat there like a peanut on a pumpkin, and this looks like a peanut on a pumpkin to me.

I'm wondering how high the -- the whole house, the whole building will be from the bottom of the basement, to the peak of the roof.

KAREN COX: Existing ground to top of roof, basically.

MR. SCHOENTHAL: 27 to there (indicating). So there is another -- 12 on 6, so another 6 feet, probably 35 feet. But my -- just to remind -- it is not shown on this all that well, but there are existing medium-sized trees all along the roadway that will act as a -- sort of a protective buffer

between the road and the building.

MS. BORGUS: But from Chili Avenue, looking north, you will see that whole house.

RAY BLEIER: No.

JOHN NOWICKI: I don't think so.

MR. SCHOENTHAL: The trees are pretty high in that area.

JAMES MARTIN: They are.

MS. BORGUS: Well, I think before you get finished with the design of it, and the final form, it needs a lot of softening. It's very big for that spot. And very high.

Now, you mentioned three variances, and just for clarification sake, I would like to know again what those are. Or actually you mentioned two, but I guess there are three.

MR. SCHOENTHAL: Yes. We just determined that there are -- front yard variance here (indicating), front yard variance here (indicating) and side yard variance there (indicating). This would be 20, well 18, 19 feet will be the side.

MS. BORGUS: The requirement is?

MR. SCHOENTHAL: 40. 28-foot variance here (indicating). Presently it is 75 foot setback.

This will be a 9-foot setback. It is presently a 75-foot setback. Those are 75 as opposed to the 60 because of the nature of the streets being County highways listed specifically by code.

MS. BORGUS: You also mentioned there will be 26 parking spaces?

MR. SCHOENTHAL: Yes.

MS. BORGUS: You mentioned the code says 31. Isn't that another variance?

MR. SCHOENTHAL: I believe the Planning Board would evaluate whether or not the amount provided is acceptable. We're under significant constraints because of the size of the lot, but --

MS. BORGUS: Well, no, because you could always make it a little smaller. I mean that -- that is what you choose, or your client chooses. I mean nothing is forcing you to put up anything that is that large.

MR. SCHOENTHAL: We looked at other configurations, smaller building sizes and we were having difficulty to try to achieve 31 in order to provide the first floor level capacity we're looking for. So we got two or three different alternatives that we did consider and we settled on this as being the preferred option.

MS. BORGUS: Well, looking ahead, though, that basement may at some time be rented out, and then, you know, the Board also has to look to the future, what if. There won't be a place to get more spaces later if that is the case. They have to be prepared for the event that that space will be rented out.

I do agree with the discussion about the dumpster. I think a dumpster is required. You have a sizable apartment that would be as large as some homes. In addition to a business. It seems to me there should be a dumpster, not totes or whatever we're talking about, but a real dumpster. There is a lot of square footage to deal with trash from, especially if the bottom level is eventually rented out to another business. We really should stick to the rules, I believe, and have a dumpster with a dumpster enclosure.

I question, too, the fact that there is no lighting going to be anticipated for the parking lot. I know that most of the accountants that I'm aware of have evening hours, especially during their tax periods, and I can't imagine that that is going to be a totally dark parking lot if evening hours are ever to be. It seems to me that there should be some lighting in that parking lot.

Again, too, I have a lot of concerns about two driveways on that curve and the fact that there are driveways across the way for other businesses, that is a legitimate point. However, obviously the more businesses you have, and you are going to add more here, that just exacerbates the problem that the people had before. I mean, yes, there are driveways across the way, but you can't keep adding business after business and say, well, they have driveways, I should have one there, too. You have increased your problem and the seriousness of it by increasing the number of driveways and businesses into a very small amount of road space.

So I would think that is not a very safe situation on the east side.

As I say, I think this needs a lot of softening. That plan is going to be a very obvious building, especially as you go west on Chili Avenue, and I think it certainly needs to be toned down in color, and the -- either by architectural treatments or shutters, as Mr. Marchioni suggested. We need to soften the appearance of that building a lot. Thank you.

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

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

KAREN COX: Maybe perhaps a rendering of what it will look like with the trees, you know, as if someone was standing, driving by on Chili Avenue. I think that would help to show the whole picture.

DENNIS SCHULMERICH: It might help to tone down the very large buildings in that area, which are currently empty.

JOHN NOWICKI: There are enough details here to get back on a final drawing.

KAREN COX: I would like to see something from the Building Department as to whether the fire code is met.

JOHN NOWICKI: The building codes.

JAMES MARTIN: Yes. The architectural plan would have to be approved, obviously.

KAREN COX: Is that done after we give final site approval?

JAMES MARTIN: No. I think they should be in before we do that.

KAREN COX: Right. That is what I want to have.

JAMES MARTIN: Before I move on to the vote and read the conditions, I want to do SEQR on this.

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.

DENNIS SCHULMERICH: I have a question that does relate to the number of parking spots. Are we as a Board accepting the fact that we're below the minimum and that is acceptable or are we deferring to a variance on that, or where do we sit with this?

JAMES MARTIN: I believe, and verify this Mr. Kress, we have the power to exempt them from the requirement for the parking?

DANIEL KRESS: What the parking section of the zoning says is that for a bank or office sort of an operation, except for medical, dental one space per 200 square feet floor area plus one space per two employees is required.

However, it goes on to say other uses not specifically listed above, shall furnish parking as required by the Planning Board. The Planning Board shall use the above list as a guide for determining requirements for said other uses.

So I guess the question is, do you feel this is a B flat office operation, and that is the rule that ought to apply, in which case I suppose a variance is required. If they have some quantity other than the one space per 200 plus one space per two employees, or do you want to say that is not exactly what it is it is not specifically listed, and therefore, we're requiring as much parking as is shown on the plan.

JAMES MARTIN: I don't think we can say that. Based on the intended use of the office complex itself for accounting and tax preparation, that is clearly an office activity. So, therefore, I guess we add another variance to --

JOHN NOWICKI: To the Zoning Board -- to the Zoning Board for the parking.

RAY BLEIER: I live nearby, and I do go past this building quite often. To the best of my knowledge, except during tax time, I have never seen more than two cars on this property at the time, with the existing business.

JAMES MARTIN: The concern would be, Ray (Bleier), if they ever did something with that lower level.

RAY BLEIER: If they had some other type --

JOHN NOWICKI: Best to get a variance.

JAMES MARTIN: I think ask for the variance.

RAY BLEIER: That is fine. I have no problem with that.

DENNIS SCHULMERICH: One other question. That was around lighting. When you have issues relating to ADA, and you have a business where you have handicapped parking noted immediately adjacent to the building where you might have lighting from the building, is there any type of requirement about lighting in the parking lot for the number of spots we're talking about?

JAMES MARTIN: I'll defer to Mr. Kress. I don't know the answer to this.

DANIEL KRESS: Well, yeah, handicapped parking spaces are supposed to be provided in immediate proximity to the main entrance so that you're using the shortest possible path, and not having had someone, you know, venture from the far corner of the parking lot, which may, of course,

be a little darker. Certainly there are building code requirements and ADA requirements that the entrance be lit, and I think they – you're going to be close enough to the entrance that you ought to be able to see where you're going. It doesn't get a lot more specific than that, if that is what you're --

DENNIS SCHULMERICH: On the one hand, I'm sensitive to light pollution. I don't like buildings with a huge amount of lights adjacent to the neighbors. On the same token, the lighting we're talking being solely on the building, I want to have a little dialogue to make sure we felt with the number of spaces we have here and for how the handicapped parking got moved, that you and the rest of the Board are comfortable that the proposed lighting makes sense.

JAMES MARTIN: I did my site visit during the daytime. Is there any street lighting in the area?

MR. SCHOENTHAL: There are two intersections. I will check tonight, but I believe there is light spill over from the intersection, as well as the intersection. I will drive by there tonight. I myself have not seen it.

JAMES MARTIN: I just did not look to see if there was any lighting in the area.

DARIO MARCHIONI: Should we mention about providing a dumpster location with -- whether it is used or not?

KAREN COX: For the future.

JAMES MARTIN: I already have it down as a condition, that they have to have enclosures. Whether they put toters or dumpster, I don't care, but it should be an enclosure built according to Town specs.

DENNIS SCHULMERICH: So based on what you have heard or seen today so far, are you comfortable with the lighting that has been outlined?

DANIEL KRESS: Yes.

RAY BLEIER: I'm pretty sure that the Wilson Farm facility across the road has pole lighting that is on.

KAREN COX: Provides ambient light for the whole area.

RAY BLEIER: There are a lot of lights.

The Board reviewed the proposed list of conditions.

DANIEL KRESS: You might want to add the provision the Department of Planning is to be notified if an additional tenant goes in this building to determine whether a return to the Planning Board is necessary. If it was another office-type tenant, I believe it would be a complete non-issue. If it was some different sort of commercial tenant --

JAMES MARTIN: All right. I will see you afterwards and we'll work on that one.

DENNIS SCHULMERICH: Have you had issues in the past where you have potential for multiple business with signs being ganged on one set of posts? Is that something that we concern ourselves with at this point or is that down the road when another applicant comes in or another tenant comes in?

JAMES MARTIN: My feeling would be that would be appropriate if another application came in for a use. Getting a nod yes.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 7 yes with the following conditions:

1. Pending approval of the Town Engineer.
2. The new construction and existing structure will have matching siding and roofing materials.
3. The refuse container area shall be enclosed per Town Code.
4. Pending approval of the Zoning Board of Appeals for all necessary variances.
5. Updated site plan and architectural drawings shall be submitted prior to final approval.
6. Sight distances to Fenton Road driveways shall be updated and any appropriate site plan adjustments made.

7. Repositioning of the sign shall not cause restricted sight distance from either direction on Chili Avenue.
8. Application for catch basin connection shall be made to NYSDOT.
9. The Department of Planning shall be notified in the event an additional tenant is proposed for the building, so that is may be determined if an additional Planning Board approval is required.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes with the following conditions:

- roofing
1. Pending approval of the Town Engineer.
 2. The new construction and existing structure will have matching siding and materials.
 3. The refuse container area shall be enclosed per Town Code.
 4. Pending approval of the Zoning Board of Appeals for all necessary variances.
 5. Updated site plan and architectural drawings shall be submitted prior to final approval.
 6. Sight distances to Fenton Road driveways shall be updated and any appropriate site plan adjustments made.
 7. Repositioning of the sign shall not cause restricted sight distance from either direction on Chili Avenue.
 8. Application for catch basin connection shall be made to NYSDOT.
 9. The Department of Planning shall be notified in the event an additional tenant is proposed for the building, so that is may be determined if an additional Planning Board approval is required.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 7 yes with the following conditions:

- roofing
1. Pending approval of the Town Engineer.
 2. The new construction and existing structure will have matching siding and materials.
 3. The refuse container area shall be enclosed per Town Code.
 4. Pending approval of the Zoning Board of Appeals for all necessary variances.
 5. Updated site plan and architectural drawings shall be submitted prior to final approval.
 6. Sight distances to Fenton Road driveways shall be updated and any appropriate site plan adjustments made.
 7. Repositioning of the sign shall not cause restricted sight distance from either direction on Chili Avenue.

8. Application for catch basin connection shall be made to NYSDOT.
 9. The Department of Planning shall be notified in the event an additional tenant is proposed for the building, so that it may be determined if an additional Planning Board approval is required.
4. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for preliminary site plan approval to erect a 2 story 43,150 sq. ft. library at property located at 2301 Westside Drive in P.I.D. zone.

John Caruso, Richard Greer and David Smith were present to represent the application.

MR. CARUSO: Good evening. I'm John Caruso with Passero Associates. With me tonight is Richard Greer from Roberts Wesleyan, their representative tonight, and his assistant David Smith, and, of course, we're all here on behalf of the Board and the President Martin. Our proposal tonight is to introduce the Golisano Library and request the -- our request is for the Board to review our application and maybe make a declaration of non-significance on SEQR. The parcel right now is zoned PID, about a 52-acre parcel. The subject area is about a two and a half acre site. It is currently the northwest corner, and it is a 144 stall parking lot. That parking lot currently stores the cars for the adjacent dormitories. There is one right to the south and one right to the north of the site. What we would do is we would demolish the parking lot and put back about a 46-car parking lot, and the footprint of the Golisano Library.

I will show that to you a little bit more when we bring up that slide.

This is a very interesting project, because we're working with Leo A. Daly out of Omaha, Nebraska, trying to design an energy efficient building so we wanted to introduce some of the design considerations.

First of all, we're redeveloping an existing parking lot. We're not finding a green field somewhere on the campus like the last big projects that have been done at Roberts Wesleyan. We're sort of reusing a portion of the site. So we like that.

There are some small drainage improvements that are on the site and we're using some of the new storm water management, some of the best practices there. We're splitting the drainage up that goes from at this time now to the northwest. We're going to split the drainage so it also goes northeast. That will have an implication on the LEEDS process, because in the LEEDS process you get points for all these sort of ecological improvements you do. The LEED certification and the building design is very rare. It probably adds, what, Rich (Greer), 10 to 20 percent?

MR. GREER: Well, it is about one and a half percent of the overall cost of \$11 million, so about 1 ½ percent.

JAMES MARTIN: Maybe some people don't know what that stands for.

MR. CARUSO: The LEED certification is the energy efficient design process that that goes through. They're very, very rare. There is one LEED certified building in Rochester, and I think there are ten in New York State. So this is quite a challenge for the design team to undertake what we call the triple E, ecologically, energy and environmental friendly. So they're going to be looking to get some sort of classification, LEED certified building. It is quite the endeavor to have. It is perfect to have on an institutional-type building, because these buildings are designed to last 50 to 100 years.

The building design has a vision, endeavors to integrate and sustain an energy and efficient techniques. Some of the ways we plan to do that on the site is putting a geothermal well field that will go under the parking area. It is actually about twice the size of the parking lot. I will show you here on this site plan.

A geo well field under here (indicating). They will be able to produce energy efficient heating and cooling systems for the next 50 years. While prices fluctuate, they will control their own. It costs a lot of money to do, but it is not a 20-year life on this building. It is 50, 100 year. They will look at this building, and it will be there in 100 years.

JOHN NOWICKI: Based on current trends, pay backs will be very short.

MR. CARUSO: You're right.

JOHN NOWICKI: Corn Hill Landing went to a geothermal well system. Very smart.

MR. CARUSO: It uses the ground's temperature to exchange its heat.

You will see in the building when we get to that point, that this building, you can see right through the building. It uses a lot of its light. The way the building is situated on the site, it was

done to capture our east/west sun's movement through our seasons. It also -- not only does it capture it, but it manages the light by -- you will see -- in this picture, you will see a shroud over or a shade over the lights to our southern exposure, and that is what I am showing you here (indicating). This is the southern exposure. You can see the light that comes into this building, but then there are shades over the light. And you will see that again. There are some graphics here that I will bring these points up again as we go through it. I will point them out.

A tower has been introduced at the southeast end. This tower has been strategically positioned on the site so that you can see it from any point on campus, and along with the pedestrian paths that are existing or new that are being created, they bring you to the entrance of the library, because this is one of the new focal points they're trying to create. That is why you will see that the main entrance and all of the places where they anticipate things to happen, or their square, is the interior courtyard. It is sort of center-focused rather than exterior-focused. We do that for several reasons. We don't want to create this library focused out to Orchard Street because there are residents there. We want it more interior or collegiately-focused. The cost of the building will be approximately \$11 million. The schedule on the project is we plan to start in the spring of '06 and it will take over a year to construct. We want to have it done for the fall of '07, September, obviously for opening.

This is an aerial photo. I put this in your presentation so that you -- this is Buffalo Road (indicating). This is the -- you can see they were constructing the ball fields here, and the stadium in this aerial photo (indicating). This square (indicating) in the corner is the current parking lot that serves the dormitories here and here (indicating). There are the dormitories across the street. Because we have students over there, we want this parking over there, because there is plenty of parking across the street. This is a pedestrian-friendly campus and they want it back to that to manage it. Right now we have students across the street who live across the street in the dormitories, drive up, come and park in this parking lot here (indicating) rather than walking two blocks. The college is not about that. Along with the Roberts Wesleyan -- I'm sorry, along with the Golisano Library improvement, they're also doing a campus-wide improvement for all their lighting, and they have that lighting matching the Golisano lighting, so that there is some harmony with that. It is for the pedestrian movement through the campus. That's what they're promoting with the new lighting campaign.

So this plan here is one that we submitted with our plan so you could adopt this with site plan approval. This is a plan institutional, what we call an update. It shows here everything that is going on, right up to 2004, and here is the proposed Golisano Library with the smaller 46-car parking lot (indicating).

And on this plan here, we have a table, and it shows in that table that the current building occupancy is 10 percent. That the current green space is 60 percent and total impervious area is 40 percent and we have it out to the hundreds place. This plan here is within your approval, and that way you will have a time stamp here today on where the campus is, and then you will be able to monitor it as you proceed into the future.

This is the site plan, and here is Orchard Street (indicating). This is Starkweather Boulevard or Westside Drive Extension (indicating). Here is the perimeter of the old parking lot in there (indicating). The parking lot has been removed. Here is the new parking lot (indicating). You can come in the new parking lot and move around here (indicating). There will be a landscaping island in the middle and landscaping all around.

Here is the footprint of the library (indicating). There is a little loading dock in the back that they use for shipping and receiving. We don't anticipate tractor-trailers or things like that. Um, one of the reasons that we designed this really, and we put a screening wall on it, it will help load the building under its first loading of furniture, books, book shelves and then thereafter it will sort of convert to, you know, van type. One of the modifications I can tell you that we're working on already is just to put a little -- extend this out just a little bit so we can turn a vehicle around in there.

This is that sidewalk that runs through the center of the courtyard (indicating). It is a V right now, but you can see on the plans in front of you that we're going to create a circle on it and then some radial arcs off that to tie into the main entrance here (indicating). This is what I was saying how the main entrance here is focused towards the inner courtyard and the other dealings with the campus, not out to Orchard Street. We are trying to be respectful of the residents that live in this area here (indicating).

Before we go to question and answer, Mr. Chairman, I would like to take you through the graphic that I was talking about. If you can relate this to the site plan that you have in front of you, this is an animation that takes you in and around the site, and it will take you into the building and

show you how some of the LEEDS assessment is applied.

This is coming up that campus sidewalk (indicating). This is the dorm on the left (indicating), and this is the dorm on the north of it (indicating). Here is the square, the entrance into the college -- library (indicating).

You can see the types of finishes. I know Mr. Nowicki was about to ask me, so we have -- it is a red brick building. You can see some of the stone work that -- for \$11 million, you're getting the best of the best here.

This is the back side with fly over conference room extending off the upper. All glass. Look how you can see through the building from the outside. Two-story. You can see through the building here (indicating). This is the lower part -- this is the parking lot now (indicating). This has all been -- parking that has been removed here (indicating). The landscaping island. This is looking southeast now (indicating). This is all glass along here (indicating).

This is the view from Orchard Street (indicating). Here is the ramp that goes up for the dock (indicating). You can see there is a screen wall here that we propose (indicating).

So I think that you can't see the dumpster in there.

Then there this is a sidewalk we added so there is emergency access and fire access in between the two buildings.

Right here is this southern exposure, and these are the shading over the windows (indicating) so that light, even though we're trying to promote it, it is managed light.

Now, this ties the dorms to the entrance to the library, and this is the square (indicating). You can see the circle that has been made, and there is no landscaping shown in it, but it is highly landscaped, which is in your plans -- north, there is Miner Hall (indicating). I will show you the tower there (indicating). There is the tower that you can see throughout the campus, and another glass overhang. There are a couple more views.

This is coming in from the west -- the east, I'm sorry. This is coming in from campus, and this is one of the main features (indicating) in the center of the courtyard, and those are existing tied into the new pavement, pavers and sidewalk areas.

There is the tower again (indicating). It will take you up. You will see that we have flat roofs that match other flat roofs on the campus, but we also added in a gable roof. You see flat roof with flat roof. This is on top of Miner Hall (indicating). But you can see the gable roof will match in with the administration building.

This is the southern exposure, looking on top of the parking lot (indicating). These are the other buildings on campus (indicating). Flat roof, flat roofs. Look how you can see through the building again.

There is the screened loading dock area (indicating). There is the other roof that matches this one (indicating).

We remembered that, John (Nowicki), when you made us put a gabled roof on the restaurant.

Here is that -- you can see fire access all of the way around. Hydrants on all four corners. This building is not square, it has a little bow to it. Now here is the sun ray trying to get into that window, but it can't.

RAY BLEIER: What is the material on the shading over the windows?

MR. CARUSO: I think they're aluminum.

Those are all new sidewalks (indicating), differentiated. Then there will be paves in this area (indicating). There is a fly bridge (indicating). The tower (indicating).

Now we are going inside the building. This is entering the first -- you can see the security (indicating). You can see the openness. Look -- notice again how you can see through the building.

Look at this person right here (indicating). She is turning pages on a book. I don't know how they do that.

Now we'll go up the second floor. This is looking down over into the library. Again, it is all open. You can see through all of the book shelves. A cable see-through rail.

Then this is another view from the other side of the stairway (indicating).

Almost over, folks.

Then from upstairs you can look down into -- they have a small cafeteria, of course, with a fireplace in Rochester, New York.

With all kidding aside, I did prepare for you from the architect, it describes all of the faces of the building and then the materials on them, and it is almost a little bit detailed, because it tells you each layer of the material as it comes out, but the exterior is all of the brick and all of the different types. So that is for the Board's file. Rather than having samples here. I don't have samples, but there isn't much difference.

JAMES MARTIN: Pushing the dormitory parking to the other side of Starkweather

Boulevard or whatever it is called there, and encouraging the pedestrian utilization, the only concern I would have is there are going to be a lot of kids going back and forth across the street there, and how they're going to be protected from the traffic flow along Starkweather. That is one concern I have.

MR. CARUSO: Let me answer that, because this was really well thought out. The people who park in the 144-stall parking lot on campus live on campus. So what we're doing is just asking them to park over where we built parking on the north end of campus behind the current residence halls. We want them to put their car back there, and then they're on campus. It is not like they're going to be driving to and from. It is just that one movement, and there is a significant pedestrian crossing designed on Starkweather Boulevard with a change of pavement. It's more -- I'm sorry, it is bricked. It is signed, and, you know, there is a designated spot. It is not like there isn't one. So I just guess I wanted to add that.

RAY BLEIER: I was there today, and the class must have let out, because it was a constant stream of students going both directions there. It did hold me up for a while.

MR. CARUSO: But you stopped.

RAY BLEIER: Well, I had to stop.

KAREN COX: They're using that as opposed to the way it used to be where there were multiple infinite access points there. They're utilizing that crossing area as was intended.

MR. CARUSO: That was right. That crossing area is about two or three years old. It is brand new, built by the County. It stops the kids who live over in the dorms from driving to campus, parking up in the parking lot and then going to school. They literally are driving two blocks.

KAREN COX: But when it is 12 degrees below zero and windy, it is an attractive thing.

MR. CARUSO: They won't be parking up there any more. That will only be for people coming to the library.

KAREN COX: What will control that? Going on that point, you have got -- there is probably still going to be a certain number that may be parking in the library lot and possibly down in the church lot which tends to fill up nowadays a lot I noticed. Is there going to be --

MR. CARUSO: Permit or security?

MR. GREER: Rich Greer, Director of Facilities, Roberts Wesleyan College.

What we have been doing, we instituted a management program where we assigned students to different areas, so they are required to leave their car there. It is a management issue, and security issue. We have done tickets for quite a while, but now we're stepping it up another notch to encourage the pedestrian campus.

JAMES MARTIN: If you -- obviously the additional parking you're going to build on the north side, or across -- you know, I believe that -- does that leave our jurisdiction?

MR. CARUSO: Well, we don't have to build any. The reason why we really want to do this, there is plenty of parking there. It is under utilized.

JAMES MARTIN: Any drainage issues that are going into the Town of Ogden as a result of this?

MR. CARUSO: There is drainage going into Ogden right now. Right now they get like ten gallons per minute and we're going to send five here and five there, but they both go there anyway.

We have been in contact with Ogden. We have asked them if they would like to be involved or an interested agent. We are going to meet with them about the drainage going into their area, of course, and you know, we have a design I think they're going to be really happy to see. There are no drainage problems right now. We know of that.

And I guess we have not overlooked them. I don't think that they have any problem with the Town being lead agent. So I guess we would just ask, you know, any approval be conditioned on doing our normal engineering review. But it is being reviewed by Larry (Nissen) and their engineer, so...

JAMES MARTIN: I guess I would probably request as a condition that, you know, when you finalize your discussions with the Town of Ogden and everything is okay, that, you know, at least a letter or report comes back to the Planning Board and obviously to the Highway Superintendent here so that we're all on the same page?

MR. CARUSO: That is very reasonable.

JAMES MARTIN: There were a lot of DRC comments, John (Caruso). Have you seen that letter?

MR. CARUSO: Sure. Let me go through them. Planning DRC?

JAMES MARTIN: Yes. The County DRC.

MR. CARUSO: County DRC. Let's see. Um, backflow preventer was the first one. The

whole campus is already on a master backflow. Um, monumentation checked. All these comments come up because it is on a County highway. In the County right-of-way.

We have no problems with 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 and 12 are no comments. So there are very minor and routine comments.

JAMES MARTIN: All within the scope of your project.

MR. CARUSO: Absolutely.

JAMES MARTIN: Certainly there were comments from the Town Engineer. Would you address those now, and we'll get those out?

MR. CARUSO: Sure. Item 1, the ground disturbances should be quantified to ascertain SPEDES. We'll go through SPEDES. One of the practices that we're going to do is split some of that flow as we talked about and take a smaller amount. The soils over there are terrific. They're almost pure sand. We're going to create sort of the new ways of putting water, recharging it back in by doing an absorption area. It's not a lot of water, which allows you to do some absorption type facilities, and I think we're going to do something in one that is like 20 by 40 feet long. It is very simple. We'll show that to the Town of Ogden. We think they'll be receptive because that's what they're doing on the other side where the other flow goes already. So we're sort of modeling that. That drainage that is discussed in Number 2 is basically what I just talked about, so we will solidify our report and send it to Larry (Nissen) to review in addition to the Town of Ogden.

The parking required, I think we covered that. Um, the method of calculation for the requirement of parking.

I will tell you, we started out with a 30-car parking lot and then we went to about 40?

MR. GREER: Yes.

MR. CARUSO: We really wanted to have a minimal parking lot. It was for students who live off campus who wanted to drive to the library. We're really making a statement here with this redesign going from 150 parking stalls down to 40. And we might even designate three or four stalls to be for car pooling, and we're doing that as part of the LEEDS assessment. So we did not look at any code book and come up with a -- how does a 46,000 square foot facility only have 46 stalls. It is really for on-campus collegiate use and those who live off campus to come to it. And I think through Rich's statement that they will monitor that -- they don't want people coming up and parking in that parking lot. There are all sorts of other places for people who want to cheat rather than to come to this one.

JOHN NOWICKI: Does Regional Transit Service have a bus service that goes around the campus.

MR. CARUSO: Yes, they have two spots at the north and south end of the campus.

JOHN NOWICKI: They can utilize this transportation around here.

MR. CARUSO: That's a great point I didn't speak to. Part of our LEEDS assessment is to evaluate how much massive transit can we get -- mass transit to this area, and in addition to that, is bicycles. We have bicycle racks, and they need to be within a certain distance of the athletic center where they can change if they want to change and shower, so all of that comes in with this improvement, too. But really the main thing is pedestrian. If you had not seen it, all of the sidewalks and -- they're sort of promoting that.

DENNIS SCHULMERICH: What is the intended use for the existing library once this is opened?

MR. CARUSO: That's a great question.

MR. GREER: The existing library will be renovated and we expect to move our teacher education division into that and the business division which is significantly smaller than the teacher education division and the rest would be general purpose classroom.

DENNIS SCHULMERICH: Full use of the existing space?

MR. GREER: Yes.

RAY BLEIER: Any provision for parking for none-Roberts Wesleyan students to come and use this library, like students, high school students, or just plain Chili residents? Are they going to be allowed in the library?

MR. GREER: Yes. Anybody can come and use the library. It's -- you know, it is certainly within a reasonable distance that you can get there. We wouldn't expect people from too far away to come. Currently for parking on the east side of the campus, between the science building and the athletic fields there is parking that is open for visitor parking. What is sometimes referred to as the church parking lot is open for visitor parking. Then the parking, the 40 or 46 spots here would also be available for visitors to come in or anybody else to come in that didn't have a permit or, you know, wasn't just a normal student that is coming there on a daily basis.

DARIO MARCHIONI: Right off the bat, are you going to be getting any variances at all on this?

MR. CARUSO: No.

DARIO MARCHIONI: How about height variance? That tower seems -- what about the height requirements?

MR. CARUSO: I don't think there is a variance required for the tower. Not that I know of.

DANIEL KRESS: What are you asking?

DARIO MARCHIONI: Well, we just did a tower on Union Street and Buffalo Road for the video thing. There was a -- we discussed about the height of that. So does this apply here at all, or no?

MR. CARUSO: It is two stories with the roof, Dario (Marchioni). I think it is about 34 feet. The tower might take it up to 38, but I don't --

JOHN NOWICKI: You're not thinking about the towers around the airport?

MR. CARUSO: I didn't think there was any height restriction in the PID.

DARIO MARCHIONI: That is what I was looking for.

JAMES MARTIN: I didn't see anywhere I read it.

MR. CARUSO: Good question.

DARIO MARCHIONI: Just checking.

It looks fantastic, the building.

MR. CARUSO: It is a real exciting project. We're happy to be part of it.

DARIO MARCHIONI: My compliments to the college and also the benefactor for making this happen. As a community, we're very grateful.

Step in a positive -- Chili is going to be recognized. That's all I can say.

DENNIS SCHULMERICH: Good presentation, good information and it is good for Chili. No questions.

JOHN NOWICKI: I would concur. I think this is one of the best presentations, and I have always felt that Roberts Wesleyan has been -- is the greatest asset this town has, and everything they do over there is top notch. They're wonderful people, and I'm very happy for this project. I'm sure we want to thank Mr. Golisano for his contribution. I'm very excited to see the LEED type of approach. It is very fascinating.

MR. CARUSO: They wrestled with it, any time you spend an extra million.

JOHN NOWICKI: I think in the bidding process you see certain contractors will pay attention to that.

MR. CARUSO: I know you understand that, and I was just only able to touch about LEED, but it is a half inch thick checklist to get all those points to be LEED certified. It is quite an undertaking. I have not given these folks the honor in presenting it tonight, but just so it is said.

JOHN NOWICKI: It is exciting, and thank you, Mr. Greer.

DENNIS SCHULMERICH: I do have a request. Next computer simulation could we have a jet landing?

JAMES MARTIN: I was hoping Nowicki would be in the library.

DENNIS SCHULMERICH: Wouldn't happen in real life either.

(Laughter.)

DARIO MARCHIONI: Which section would you put him under?

(Laughter.)

JAMES MARTIN: You may not have the answer.

Anything else on the radar scope at this time for the campus? Maybe you don't.

MR. CARUSO: Rich (Greer), anything?

MR. GREER: I think that the look out probably ten years, I would say that we would be looking at something, possibly an expansion of our science building, which was built in 1970, and -- we're kind of outdated there. That is probably about ten years off, the best we can determine right now.

JAMES MARTIN: Just curious.

MR. CARUSO: Good question.

JOHN HELLABY: I have to admit, it was quite an impressive presentation, and it is going to be tough to go back to the hum drum sketches from people in the future.

MR. CARUSO: I know. I have Power Point after this.

JOHN HELLABY: If you could just touch briefly on the time frame and sort of inform me how you anticipate construction traffic flow out of this site, not to disrupt. Because I know the side street over there, Orchard Street especially is somewhat narrow, and I know that they just rebuilt Starkweather Boulevard, and again, with all of the student traffic, how you manage to sort

of maintain the traffic situation over there.

MR. CARUSO: Excellent question. We really don't want to introduce any sort of construction traffic to Orchard Street. We want it to come down Westside Drive. It is built for it, and what else can I say? There is plenty of place to stage it in the parking lot. It is sort of a nice place to build because you have a solid ground through two seasons. Um, they can start fresh in the spring. They don't have to wait for the ground to, you know -- pushing dirt around, they're on a solid surface. So I hope that answered that. And then the schedule is to start in the spring, and finish by August, and that way they can have the building full of furniture. It takes a while to fill a building up with furniture. It is a big building. \$11 million is a lot of construction. It will take them 18 months to build. Maybe 14 months to build it, and then fill it, and they want it open for September of '07, which is when school would start again.

JOHN HELLABY: I guess the only other question, a point of interest, I know you have the gable and the hipped roof on the top there. As far as interior wise, is that sort of an atrium effect? Is that a flat ceiling in there?

MR. CARUSO: No. The ceiling in there had sort of an arch -- I can see it in this photo. If you remember seeing that arch underneath that roof in there (indicating), it is sort of arched in here.

JOHN HELLABY: Steel frame, wood sheeted?

MR. CARUSO: The roof. Yes. John has the whole layer by layer construction.

KAREN COX: He could read that.

MR. CARUSO: Read that with your morning coffee.

JAMES MARTIN: The Chairman will have this one.

KAREN COX: This box that is shown as the future expansion area, I mean, based on what I'm hearing, there is nothing specific planned for that area. The purpose of that is just to show us that something could go in there that you're planning for that future; is that correct?

MR. CARUSO: That is correct, Karen (Cox). This site has been evaluated, and I'm not kidding you, ten different ways. With the geofield being plopped down -- a geofield would be 400 feet wells every 20 foot on center, and that is not something you can move or build over. So we wanted to make sure that if there was any chance that they might ever expand the library, that they wouldn't want to be inhibited because they didn't think about it 20 or 40 years ago. So we did plan out an area for expansion. We made sure that we designed no utilities through it, and we left this sort of sacred area, and we showed it on the plans so you could see it, too.

KAREN COX: This is kind of off topic, but seeing as this whole type of construction is unusual for this area, maybe while the project is going on the College would be interested in hosting a program for some of the professionals in town just to showcase the whole concept.

MR. CARUSO: You know, Karen (Cox), what happens with a building like this, they will actually put together a tour program and it will go on through the life of this building. It is something that is pretty prominent.

RAY BLEIER: The only other related question to the expansion area there was, was consideration given to consider possible expansion upwards on the proposed two-story building, rather than taking more space away?

MR. CARUSO: Yes.

RAY BLEIER: Which is critical.

MR. CARUSO: It is Ray (Bleier). That is a good point. One of the things that we looked at -- because the site has a significant drop-off. It drops off about 6 feet across the building. We wrestled as engineers -- the architects draw a flat picture and give it to us, but the site is like this (indicating). We wrestled trying to make this thing work. One of the considerations they came up with, 40,000 square foot building on three stories, shortening up the footprint of it. However, we felt it really wasn't in the character of the college, and it would have been right across the street from a residential area, you know. We would have sort of created this monster, and they looked at me, and what did I think, you -- John (Nowicki), you know some of the -- well, I knew what you would say tonight about this application. I remember with the Mark IV application over with, you know, the Legacy development. That was three stories and two stories. So I said I think we might want to stay at the two stories, and so I had a little input on that, too.

RAY BLEIER: Well, I'm a graduate of U of R, and I look at Rush Rhees Library, and you do have the tower structure that goes up many floors.

MR. CARUSO: But that is an urban environment. That is the difference. Out here we're still rural and there are still people who live across the street. But that is why.

DARIO MARCHIONI: John (Caruso), you mentioned \$11 million. Is that just including the building or the infrastructure inside?

MR. CARUSO: Everything. The whole site, project.

DARIO MARCHIONI: Shelves, furniture?

MR. CARUSO: Yes.

DARIO MARCHIONI: If I may ask, what is this geofield? What -- I mean -- you just hit it about wells.

MR. CARUSO: Geofield, it is a geothermal well field, and what it is, is -- Brian (Donnell), do you have a set of the drawings? Well, you guys have a full set of drawings in front of the Board. Turn to page 2, I believe that shows the footprint of the geothermal field, if you care to see.

You know what a well is, you dig a well. Same thing, except 20 foot on center, and there are probably 300?

MR. GREER: 74.

MR. CARUSO: Down to 74?

MR. GREER: It tested very good for the conductivity of the exchange, so we were able to reduce the number.

MR. CARUSO: I see. Well, they will dig 74 wells, just like the wells that, you know, for water. We're going to put 74 of them in the ground. Then they put a cap on top of each of the wells. They will tie them together with pipe. And they run water through these pipes, and they go down into the ground and lose their heat. Then they draw heat out of heat exchangers and they bring heat up when they're trying to heat a building in the wintertime. So they reverse the pumps. And they use the ground naturally to be the heat exchangers.

DARIO MARCHIONI: Rather than the old buildings with the slots on top of the buildings, you know, those --

MR. CARUSO: These, right, or have them underneath a sidewalk in an area way. Yes, and it is -- you don't have to -- you don't have to pay to exchange the heat with the ground. It is already there. That is a little more expensive to do this, but in ten years, on something that is going to be 50 or 100 years old, if it costs them an extra million dollars and they save 20,000 a year, a well, there is a pay back on it, and it is proven technology, so...

DANIEL KRESS: Just one comment, since there seems to have been a little concern about the issue of parking. A suggestion that may be the simple way to resolve that question is to ask the applicant to submit some sort of an itemized list of the various buildings and uses on campus and the total parking provided, and then you have got a clear cut answer to here is how many buildings, here is how many spaces. Because remember, we're taking down parking, we're adding some back. You have some parking being used that is physically in the campus, but not physically in the Town of Chili. So, you know, there are a few variables obviously to take in account. That just occurs to me it might document it and settle the question. Just a suggestion.

JAMES MARTIN: I can certainly add it.

LARRY NISSEN: Nothing in addition to my letter.

RICHARD SCHICKLER: On landscaping, I notice on the north side there are four trees that are going to be removed, existing trees. I'm questioning why they're being removed.

MR. CARUSO: The trees are being removed, I believe, because of the size of them. They will be destroyed when they go to put the wells in for the geofield. So unfortunately, there is some destruction, but we plan to put back some of the landscaping. Between now, Dick (Schickler), and the time that the plans are submitted for sign-off, if there are any modifications to the landscaping plan, I would like to be able to send them to you just to show you where they wound up. When we put the plans together, the design plans that you see tonight, that geofield was twice the size as it is, I am hearing tonight. It has been significantly reduced. As a result, then, you know, we can put some landscaping back where it has been eliminated. You can't have this thing and then put plants on top of it, because the plant roots will go into your million dollar subsurface geofield, so you have to be -- what we try to do in the plans that you see is landscape along the perimeter of it, and beautify it. Along the perimeter of the building we have all sorts of stuff.

DENNIS SCHULMERICH: Not much different from a leech field in terms of where you can plant and not plant.

MR. CARUSO: That's exactly right.

RICHARD SCHICKLER: The landscaping, as the plans are, they have been approved by the Conservation Board. I just want to comment that the materials in there are quality materials, good, good size materials and probably one of the nicest we have seen in a long time.

MR. CARUSO: Thank you.

FRED TROTT: The only question I had was about the -- do you feel you have enough handicapped parking?

MR. CARUSO: Yes.

FRED TROTT: You showed three. I didn't know -- I would think if you're -- like you say,

you're trying to reduce the amount of people that are going to be driving. I would think that one of the groups there that is going to be more determined is the person that is handicapped.

MR. CARUSO: I will check that. I think we're okay with that, but I know there was a discussion that we had with the architect --

LARRY NISSEN: 5 percent, isn't it?

MR. CARUSO: 5 percent. First percent would be two. Maybe one and a half. So I think we're fine at three, but I will double check that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just had a couple of questions. What percent of students at Roberts Wesleyan live off campus?

MR. GREER: We have just about 2,000 head count, which would include traditional, non-traditional, all of our programs. We have 800 beds on campus, so the rest of ours are commuters. Some of them commute a like the Chesborough Center, but some of that is in the evening, some of that is all different times of the day. So it is kind of a spread out across the whole day.

MS. BORGUS: The reason I ask that, if these people, students as well as community members, use that parking, it really doesn't look like very much parking. If you have got off-campus students, are they to be assigned to lots as well?

MR. GREER: Yes. And the parking that we're displacing is all residential students. It is no commuter places that are being displaced.

MS. BORGUS: It should work -- if -- if in theory -- if your theory bears out, it should be okay. But it will have to be closely monitored and watched, I think.

MR. CARUSO: There is one thing I would like to add to that. I don't know if the Board can see the site plan over here, but if they had to, if we were totally wrong on trying this promotion back to peds, there is a whole bunch of room to expand the parking lot and add more if we needed to. We would expand it into the area if we need the future building. But if we are to expand the building, you could take the parking lot out. There is a fall-back positioning as opposed to some sites where you have got what you got. But at least we could expand if we need to. It is a good point.

MS. BORGUS: My second question would involve the parking spaces across Westside Drive. How many spaces do you feel are over there that are under used?

MR. CARUSO: There is a whole parking lot over there that is well over 100 stalls that nobody parks in. Go take a look. It is in Ogden. You cross over the line, but back behind -- what is the name -- Davidson Hall. There is a whole parking lot where the detention ponds are.

Do we have the aerial photo?

MR. CARUSO: On the north side. In the file.

KAREN COX: There was one at the beginning of the presentation.

MR. CARUSO: That aerial photo doesn't cross over Westside Drive, though.

MS. BORGUS: It sounds like you have a lot of parking there.

MR. CARUSO: It is under utilized, which is why it was such an easy decision to drastically cut 100 spaces. It is stuff that they built and it is not being used. And this is why. This is why.

MS. BORGUS: And my third question would be how many elevators are proposed for the new library?

MR. CARUSO: I believe there are two.

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: I just wanted to make a couple of comments. I think the -- this is a well thought out design and plan. It is well laid out. And I'm glad to see with energy efficiency. I think that is tremendous.

Traffic access and parking access, coming off Orchard Street, I think is excellent, not Westside Drive, which is the busier street. And also having that access off Orchard Street for construction and final use is very well planned.

Also, my comment, the Golisano contribution is very much appreciated, and I think that's speaking for the college and the community, and this will provide much needed square footage expansion of the library facilities. So I think it is well done, and my overall comment in regard to the parking, for what I have seen on campus with other facilities north of Westside Drive, which is

the student parking area for the dorms is under utilized, as John (Caruso) had mentioned. Other parking that is available in front of the cultural center, which would be to the south of the new library, and other areas on campus where there is extensive parking, I don't -- and also stating that parking is all within a good reasonable walking distance of the new library facility. I don't see a problem with parking. Thank you very much.

JAMES MARTIN: Move to close the public hearing?

DENNIS SCHULMERICH: Moved.

JOHN NOWICKI: Second.

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

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

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

MR. CARUSO: We just ask that the Board consider waiving final site plan.

JAMES MARTIN: Motion on a finding that the Planning Board accepts the overall updated site plan as part of this application.

JOHN NOWICKI: Motion to accept.

KAREN COX: Second.

The Board unanimously approved the motion.

The Board reviewed the proposed conditions.

DARIO MARCHIONI: This is massive construction, this building. Which road will be mainly used for in and out for construction, the other aspects?

MR. CARUSO: Westside Drive. We think the Westside Drive is the place to be, rather than come down Buffalo Road and up Orchard Street. They're both -- Buffalo Road is a State road. Westside Drive is a County road, but they're both, I think -- for getting right to the point where they need to go, it is probably best to go Westside Drive.

JAMES MARTIN: Primary access point. There may be some secondary use of Orchard Street or something?

MR. CARUSO: Yes. I would say in an ideal world we would like to have everybody come there. There might be somebody who makes a mistake, but if we have control and try to direct it, that is where we would like to direct it.

JAMES MARTIN: I can envision contractor vans coming up Orchard Street into the site.

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

1. Pending approval of the Town Engineer.
2. The applicant shall supply the Planning Board, Building Department and Superintendent of Highways a letter indicating Town of Ogden approval of the proposed drainage plan.
3. Applicant to supply a detailed list of all parking with related facilities.

The Planning Board also accepts the updated overall P.I.D. site plans provided as part of this application.

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

5. Application of Perl Development Corp., 1411 Chili Avenue, Rochester, New York 14624, property owner: Vincent & Victor Zuber; for preliminary subdivision approval of 99 lots to be known as Archer Meadows Subdivision at property located at 177 Archer Road in R-1-15 zone.

John Caruso was present to represent the application.

JAMES MARTIN: Let's start out with -- I believe it is a 90-lot subdivision, not 99. The 90th lot includes the homestead, so there might be a typo in there.

Should we amend the application at this time to say 90 lots?

KEITH O'TOOLE: Yes.

MR. CARUSO: That's okay.

JAMES MARTIN: I'm going to ask for a motion to amend the application to say 90 lots rather than 99 lots. Do I have a second on that?

DENNIS SCHULMERICH: Yes? Letter dated September 9th from Passero Associates, PERL Development proposed to construct 89 lots in four phases.

JAMES MARTIN: What is it, 90 lots?

MR. CARUSO: 89 plus the homestead.

JAMES MARTIN: So -- 90 lots?

MR. CARUSO: Yes.

JAMES MARTIN: Do I have a motion to amend the application to say 90 lots?

DARIO MARCHIONI: Yes.

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion to amend the application.

JAMES MARTIN: Application stands amended and now reads: Preliminary subdivision approval of 90 lots to be known as Archer Meadows Subdivision at property located at 177 Archer Road in R-1-15 zone.

MR. CARUSO: Thank you for doing that. For the record, I'm John Caruso with Passero Associates. We're here tonight on behalf of our client, PERL Development, which is Richard Coia and Armando Capuano.

Our proposal for preliminary subdivision approval and site plan approval, um, is -- it comes from several months of coming before our Board here tonight. I guess we started this process -- I was looking back at my records, in December of 2004, so if you remember, we have gone through review of the Master Plan and some of that presentation you will see come in our presentation tonight. So I will move through some of it. But one of the Board's discussion with us before is to identify some of the experience of the developer, so we have put that in a slide. This is something that's been presented to the Board before.

This is the aerial photo of the overall site on Archer and Beaver Road. This is Archer Road (indicating). This is Clay Hill (indicating). This is Hall Road here (indicating). This is The Fathers House (indicating). And this is the site in question (indicating). There is the barn and the homestead is here (indicating). And this is an approximately -- a 48-acre parcel (indicating). There is the railroad tracks (indicating). This is the site plan that we updated, and we used this when we did the review we did with you during the summer.

And this is The Fathers House sanctuary (indicating) with parking on the side.

This was the Fallone PNOB development, and this is the revised plan that the Planning Board has been reviewing as of late. This is just all updated version, again tying into Clay Hill over here (indicating).

The area zoning is currently -- the trends show from commercial where Wegmans is heading to the east. We are not proposing to change the current zoning. It is 15,000 square foot minimum, 90 foot-wide lots. I hope you will find when you look at the subdivision plat that all the lots are at least 35/100rds of an acre, very generous, and we'll get into the design, but we are not looking to create any sort of rezoning application, and there are physical barriers to that, for that reason, so we are not recommending any zoning changes to the benefit area.

There was a coordinated review that we did this summer. We went through all of the different parcels and adjacent development. The result minimized development impact from regional to local and we addressed those in our design. I will take you through that. Hopefully as a result of all those different reviews that we did in and around the site, you will be able to give us a negative declaration on SEQR. Our request is for preliminary subdivision and site plan approval on the internal subdivision, but we also need to ask you to subdivide the entire parcel from the parcel on the south side of the railroad tracks into two, so that we could then have the one parcel to further subdivide.

So if there are any questions on that, we can bring them up later.

DENNIS SCHULMERICH: Say that one more time.

MR. CARUSO: The parcel -- if you look over here -- Brian (Ostling), go back to the aerial

photo.

Thank you. That one (indicating). Right now, the parcel, the subject parcel is right here (indicating), but it is part of this parcel (indicating). It is all one. We're going to ask you to subdivide this into two parcels, and then give us final on that so that we could do this subdivision, and then preliminary approval on this (indicating), and then we would come back for final each phase.

JAMES MARTIN: To the best of my knowledge, we have no application for that at this time. Is that correct, Mr. Kress?

DANIEL KRESS: Well, a map was submitted, but in terms of an application that specifically references what is south of the tracts, no, we do not.

JAMES MARTIN: So we have no application for that subdivision.

MR. CARUSO: Okay. Well, you could give us preliminary approval and we could submit -- we have a map before you, if anybody cares to take a look at it, and we can --

JAMES MARTIN: I don't think we can do a subdivision without proper application and paperwork on it, what you're asking for here. We can make it a condition that you do that, and come back in with an application, all right, for subdivision approval of the two lots. That should take care of that.

MR. CARUSO: That would be fine. Yep.

JAMES MARTIN: Everybody okay with that?

DENNIS SCHULMERICH: Approval pending.

JAMES MARTIN: Well, they have to come --

MR. CARUSO: We have to come back. Tonight is not the end of anything. We're just starting here. We would like to get SEQR done and I know that you guys have seen this thing several times, but for the record, I'm just going to sort of move through it quickly, but I did want to just remind you of all of the work that we did, so that you could do SEQR. This was one of the pieces that you were comfortable with us moving forward on.

We did a macro review of the Archer Block. What we did is looked at the whole region so we could do SEQR. We looked at coordinating utility design with other sites. We did traffic and transportation studies of the whole corridor. We looked at drainage and looked at opportunities for regional storm water management. We met with the local developers north, south, east and west of us. We looked internally on the project and made improvements to the project itself.

The traffic and transportation study, um, looked at access, controlled curb cuts, pedestrians, parking congestion on The Fathers House. We did improvement with that individual site -- individual site development using traffic calming techniques. We talked about traffic volumes that are phased in over time. Then we had three of the project developers in the area share in the cost of doing that regional study.

On the drainage, we identified that the site was very diverse and the whole Archer Block was sort of undulating contours. Because of that, we found there were several pockets where water would drain to naturally. We looked at those as regional opportunities, and if you remember when we prepared this little plan here that we showed in blue, all different spots from the USGS map, that area just in this block where we could do some regional storm water management. Then we said our hard work paid off. We were able to work out with Mr. Zuber that the existing pond on his property, we could expand that, and create our first regional first storm water management pond, putting our money where our mouth is, and that pond will service not only this site, but it will tie Clay Hill into it, which has no storm water management.

So the micro review of looking inside the project, we redesigned the layout, introducing the traffic calming techniques. We offered to set back the houses 40, 50 -- 45 and 50 feet so they weren't all lined up in a row. That was one of the concerns, because the site is long and narrow. We put pedestrian walkways between all of the projects in the area and sidewalks within the project. We eliminated the streets and the sidewalks. We introduced the first regional storm water management. We developed how other parcels in the area could get to the sanitary sewers because this parcel sort of cuts off parcels to the north from getting to the sewers. So we introduced that into our design. And hopefully as a result you will be able to declare neg dec on SEQR and grant the preliminary approvals.

So here is the new layout (indicating), has the access road, one driveway lined up. And this is where the plan has the lots that are shorter in there, and long here (indicating), near the railroad. This is where the sewer is located (indicating). We have access for sewers to the north (indicating). We have all drainage improvements being brought into our storm sewer system and brought down. This is the railroad tracks (indicating). This is where the new storm water management, the regional area will be (indicating).

This is a typical lot layout (indicating), showing you a little blowup on how we'll stagger, propose to stagger the lots. 40 foot, 45 foot, and then 50 feet back. That is within this Board's privity to approve, and then we have, you know, 16-foot wide double car, double wide driveways so we don't have people parking out in the street.

That is just a quick overview.

JAMES MARTIN: There are a lot of comments from the Town Engineer, obviously. I know you have done a lot of work in trying to manage the drainage issues around this particular site.

Of the seven comments that came through from the Town Engineer, could you maybe cover them as quickly as you can so we're aware of how these are being addressed, or that you're working with the Town Engineer on addressing these issues?

MR. CARUSO: Thank you for the opportunity to do that, because I know it is an issue -- we have been able to respond, and we have just given Larry (Nissen) back a response letter, but we have been able to respond to all of these comments. They were simple fixes. You know, the expansion of the retention pond to accommodate the regional effect to take into account Clay Hill. We have some backyard swales that we tried to make sort of narrow. When they're narrow, they carry water. When there is a 25-year storm, and Larry (Nissen) said could you narrow that up, so we steepened them a little bit and brought the water from 20 foot wide on a 20-year storm down to 12 or 14 foot wide. So little design changes to improvements that he looks at through your eyes in working with you.

JOHN NOWICKI: Are you addressing Number 1?

MR. CARUSO: Yes. 1 and 2.

JAMES MARTIN: 1 and 2 so far.

MR. CARUSO: Updated retention area is -- it is redesigned and will meet the DEC requirements. Otherwise we could get a 60-day variance, but we don't need to do that any more.

We analyzed the culvert going under the railroad track. He was concerned about water backing up on a 25-year storm and going over the road. We did the calculations on that and found he is looking for a couple feet of free board and we found there is 1.49 feet, so we're there with that. The rip-rap channel he was concerned about, um, we have addressed that by showing him that the velocity in the channel, that it is appropriate rip-rap and we can spread more around.

Item Number 6 was really a futuristic way -- the way we addressed it was futuristic. This corner of the site is one of the detention ponds flowing to the west (indicating). Do you folks remember when the Fallon project was before you and it had that wetland and the creek that runs by like this (indicating)? This pond would discharge to that creek. It is about 100 feet from this corner (indicating) right there, is where that creek would be.

So, you know, on the plan it doesn't show that connection, because it is on to the Wegmans property. What we would do is we would either get an easement from them, but what I really think is, is that that will never be developed. We're hoping this pond, which would be in Phase 4 of our project, because the phases would be 1, 2, 3 and 4 --

JOHN NOWICKI: At that point, could you refresh mine and the Board's memory -- you were talking about you met with people. Maybe our Town Engineer can address it, too. In this core area again, you show a map of regional locations, and ponding and all of that. Who is -- who has all been involved in that, those discussions? Have the property owners of these other large parcels been involved? Has Wegmans been involved? Has the -- Our Father's Church been involved? What has been going on along those lines?

MR. CARUSO: Well, what I did, John (Nowicki), is I have prepared this map that shows where all of the drainage goes, and as a result of that, I went and met with each one of the adjacent developers, owners, and I said at some point in time, whenever you do any development, there is an opportunity here for you to do a storm water management pond. I have found that. You know, however they use that information, you know, I did that.

And, you know, I can't make people on other properties, but what I was trying to show them is if you ever do anything, we have identified the spot. The Town would look favorably for regional storm water management, and, you know, if they needed -- if they were going to exchange benefits with the Town, maybe one of the things that they could offer is to introduce the storm water management benefit that was identified in the overall review of the Archer Block. So that is what we were trying to show.

And then where we had control of it, we tried to introduce, you know, our own.

On this particular area, John (Nowicki), there is an opportunity --

JOHN NOWICKI: Is that map --

MR. CARUSO: Yes. There is an opportunity on the Wegman area. It is right here (indicating). There is an opportunity there if Wegmans ever did anything, that they could build a

pond, and they might share in the cost with someone else, but I really think when the parcel, the Fallone PNOD is developed, that there is an opportunity there. So instead of having all these little ponds, if we just sort of used our head and the materials available to us, we might be able to do one and everybody drain to it. Okay?

JOHN NOWICKI: That is why I am bringing that point up, so the gentleman to my right who is sitting at that table will think about that, and hopefully we can incorporate that into some kind of overall plan.

MR. CARUSO: We have. He has thought about it. On behalf of him, um, he has actually asked us to design our ponds to a better standard than what we were originally providing it and he is challenging us on incorporating other areas and bringing Clay Hill in with no storm water management at all. It's a task we had to wrestle with, because the control structures and the new guidelines are very regimented, so I can -- on behalf of asked Larry Smith, he has been thinking along those lines. We're working with him on that.

JOHN NOWICKI: I compliment you on the attempt here to do that. We're not done yet, but we're getting closer or better. We just have to continue on with that thinking, that we have to really work in this area to solve these problems, and solve them soon, before we go too much farther. Thank you.

JAMES MARTIN: 7?

MR. CARUSO: Item 7. Yeah. That was where we had some shallow roadways, and we have -- you know, I'm doing this without giving you a copy of the letter. I have a copy for you, for your file. But we responded that we have identified several areas where the storm sewer could be lowered to eliminate the possible conflicts he identified, and in these areas where we can't lower the sewer, there are alternative sewers where there are sewers running from the backyard to the front yard and we can tie into those sewers. What we'll do is show them on our preliminary plans when we modify it so there is no dispute going to the next step, which would be a final design, that it was covered at the preliminary design. So that is how we're going to answer that.

JAMES MARTIN: I will wait for your turn to hear if you're okay with it.

LARRY NISSEN: We have not seen anything on plans yet. Just notes.

JAMES MARTIN: Okay. They're all proposed to be addressed. Thank you.

MR. CARUSO: We have no disputes on any of the comments. They're pretty straightforward.

JAMES MARTIN: Okay.

RAY BLEIER: Started out being a tough situation and still is tough. Doesn't seem to have changed an awful lot. I don't know. I guess -- you know, I feel that the drainage is a very serious consideration here, and what kind of arrangement will you have to, you know, this proposed pond there, on the other side of the tracks there, you know, to use that, expand it.

MR. CARUSO: Just an easement.

RAY BLEIER: What?

MR. CARUSO: We're creating a drainage easement.

RAY BLEIER: Okay.

RAY BLEIER: Actually, when I look at it, isn't this really almost like a 91-lot subdivision? One you're keeping everything south of the tracks, and then the other 90 or what you're showing here?

MR. CARUSO: I'm sorry, Ray (Bleier)?

JAMES MARTIN: No.

RAY BLEIER: No?

JAMES MARTIN: As far as I know, the Zuber family will retain ownership of the -- you know, the south portion.

RAY BLEIER: Right.

JAMES MARTIN: So they're going to have to come back with an application to subdivide this into two parcels, Lot 1 and Lot 2.

MR. CARUSO: Right.

RAY BLEIER: Right.

MR. CARUSO: We're not subdividing the 90 lots that you see here all at once. We're going to do two subdivisions to split it up, to split this piece off the south. So the first thing you will actually approve is a two-lot subdivision, that we'll ask for final on right now. We're just asking for preliminary, and Jim (Martin) said that as a condition, if you're willing to grant that to us, as a condition we'll have to apply for the two-lot separation, which is exactly correct.

RAY BLEIER: Are all of the lots in conformance to the required square footage?

MR. CARUSO: Yes, they are. And they exceed it in many cases.

RAY BLEIER: Do they need any variances or anything?

MR. CARUSO: None. There is actually plenty of room.

RAY BLEIER: Yes, there should be.

MR. CARUSO: Plenty of room.

RAY BLEIER: I know it is a tough piece of property to work with. I think that crossover is, you know, an improvement on the roads there.

MR. CARUSO: Thank you.

KAREN COX: You just had indicated that all of the lots were in conformance, but yet there is a comment from the Building Department that several of these lots will require variances from lot width and setbacks. So which is it?

MR. CARUSO: I haven't seen that comment. As far as I know, we have designed all these lots to be in conformance with the requirements. The setback, the standard setback we have asked the Planning Board to grant the approval on, and that was in an effort to, you know, adjust the building depth along the roadway. If the Board feels that they want us to set all of the buildings at the same --

KAREN COX: No. I mean I just -- can you address that, Dan (Kress)? I mean --

DANIEL KRESS: We're talking R-1-15. It is 60-foot front setback. You want to do something different, you need a variance.

JOHN NOWICKI: So you're saying you will need a variance on every lot?

MR. CARUSO: Doesn't the Planning Board have the right to adjust the front setback?

DANIEL KRESS: Are you proposing a cluster development?

KEITH O'TOOLE: Section 278.

MR. CARUSO: I'm sorry, I thought that the Planning Board had the right to allow the setback to vary, the front setback to vary along the roadway.

DANIEL KRESS: I'm not familiar with that. This has been a concern of mine all along.

MR. CARUSO: Well, the reason that we adjusted the building setbacks was so that we could create more backyard space from your concern that people would build pools and decks and not have enough room.

DANIEL KRESS: I understand that, but I think the appropriate mechanism for approving it is a variance.

JAMES MARTIN: So what I am hearing, we have a ZBA issue on the front setback.

JOHN NOWICKI: Every lot?

MR. CARUSO: Didn't we stagger the setbacks on the Wellington project and that didn't go for variances?

JAMES MARTIN: That was before my time. I don't know.

MR. CARUSO: What about Red Bud? I'm --

MR. DONNELL: We bumped them up to 50 feet.

MR. CARUSO: I know we did that. If the Planning Board wants us to go to the Zoning Board, I think the intent was to create a better curb appeal. You know, it -- we're not disagreeing.

JAMES MARTIN: I understand the intent.

MR. CARUSO: We just thought that the Board had the purview.

JAMES MARTIN: I don't think we have the authority to grant the variance.

DARIO MARCHIONI: Let's ask for legal advice and go from there.

KEITH O'TOOLE: 1 or 2. You can do variances or 278.

KAREN COX: Do what?

DARIO MARCHIONI: 278.

JAMES MARTIN: I thought aesthetically we felt having a staggered approach was an improvement.

KAREN COX: Yes. I don't disagree with that. Now we're imposing a hardship on the developer --

KEITH O'TOOLE: No, no, no.

JAMES MARTIN: Well, okay.

KEITH O'TOOLE: No. Let's clarify something here. They can stagger them all day long so long as they are 60 feet back.

JAMES MARTIN: I'm sorry. I misspoke.

So 60 feet is the minimum.

JOHN NOWICKI: They will need variances on each lot.

MR. CARUSO: We could --

KAREN COX: The intent was -- the intent is to address another comment -- as I understand it, the intent of moving the houses forward was to address another concern that the Board had with

backyard -- you know, the amount of backyard space.

JOHN NOWICKI: Will that help the backyard situation in regard to deck and pools and things like that with the variances? Will that help in that situation?

DANIEL KRESS: Certainly in the past, and I believe Red Bud was an example, the justification for variance application has been if you minimize the front yard, it leaves more backyard.

KAREN COX: So homeowners don't have to come in for individual variances if they want to put a deck on.

MR. CARUSO: Exactly right. It eliminated or reduced the nuisance variance for sheds back in the corner or encroachment into the rear setback.

Mr. Chairman, we can put that on the list of things to do. We'll get it straightened out. Either that or we'll come back with a 278 application. I think we'll just go get a variance. I think there are enough reasons why.

DARIO MARCHIONI: Can we make a recommendation to the Zoning for it?

MR. CARUSO: We would appreciate that.

KAREN COX: The traffic, you indicated in the presentation that you looked at traffic calming techniques and certainly you have removed the long straightaways. Has there been any thought about directional control at that four-way intersection? I know the volume isn't going to warrant a stop sign if you interpret things directly, but I foresee some confusion on the part of people who really has the right-of-way.

MR. CARUSO: Yes.

JOHN NOWICKI: You have a good point bringing this up for discussion only. But again, I have seen it used in other parts of the community, and I don't know why we don't think about using a circular intersection, a round-about. Because they're coming on board more and more in other towns. They're becoming very popular for this very reason, to control that traffic flow through there.

KAREN COX: Well, yes, it serves to help the motorist figure out the main movement, if you will.

JOHN NOWICKI: Sometimes the Superintendent of Highways may not agree with that because of the plowing techniques, but it does have a -- I think some legitimate reason to consider it.

KAREN COX: What is the space requirement?

MR. CARUSO: We looked at that when we were before -- before we went into design. We did look at -- we looked at several different things, and I think the consensus was this was acceptable. In an answer directly, Karen (Cox), to your question, I did attend DRC and asked Mr. Carr how did he want me to -- John (Nowicki), I think you were there. I said, "Do you want the four stop signs?" He said, "No, not now."

So I don't know if -- Fred (Trott), if you want to take that up at the Transportation Board and you guys recommend how you want us to do that.

FRED TROTT: I think that was the discussion we had, as it gets developed, we'll look at how to monitor that intersection. As it gets developed.

KAREN COX: Let's be honest, having stop signs there is not going to make everybody stop at that intersection, but at least you have got a -- you know, a legal standpoint that this direction is the --

MR. CARUSO: Karen (Cox), I have -- I don't have any preference. I was going to put a four-way stop on all of them, and Joe (Carr) said not yet, and he knows why, so...

KAREN COX: If this issue or if this intersection is going to be monitored by Traffic and Safety, then I don't have an issue with it.

JOHN NOWICKI: How is that going to help us?

DENNIS SCHULMERICH: We're developing in phases. We won't have any wisdom imparted on us as the phase evolves. The plan is in front of us. There should be enough information in this community or adjacent community to speak about subdivisions like this and what makes most sense for traffic control.

MR. CARUSO: At final approval, by the time we get down there, there will be an answer to that. It can be on the final design plans. Right now, they typically don't sign them, as a standard. And that is because inside residential subdivisions, they usually don't have any stop signs on the T intersections. If you go through some of the --

DENNIS SCHULMERICH: I understand.

MR. CARUSO: It is the same, I'm like there wouldn't be a stop sign here (indicating) unless it was needed.

DENNIS SCHULMERICH: Let me state what I was thinking. There was something I did not impart. I'm sitting here, imagining that you're being left with the variable that you don't know whether you're building a traffic signal or a four-way intersection right now. And that to me doesn't make sense. I mean, we ought to have some sense as to what we want the traffic flow to be and not wait until this whole thing evolves so somewhere down the line the Superintendent of Highways can decree what this will be. This is a Planning Board. Let's plan.

JOHN NOWICKI: We should have the right to make a decision what happens.

DENNIS SCHULMERICH: Evolutionary nature how this unfolds doesn't make sense.

KAREN COX: I see your point. If we determine-- if we say, make it a condition to have --

DENNIS SCHULMERICH: Conditionalize it and then prove it is wrong, but let's not say let's wait and see what happens.

KAREN COX: I will throw this out, even with the stop sign at the three-way intersection in my neighborhood, nobody stops at it. But if you at least identify the -- you know, or put them up, they're there.

JOHN NOWICKI: I would still like to say, I hope the Board would consider a circle. Traffic circle.

DENNIS SCHULMERICH: I understand where you're coming from, but the subdivisions all clearly have a four-way or not.

JOHN HELLABY: What has actually changed on this layout from the plan that was submitted in July of this year?

MR. CARUSO: Not a whole lot. We thought we would have a detention pond here, Al (Hellaby), and when we did the topographic survey on the property, we found that this was the lower spot (indicating). But the layout, the setbacks, the depth of the lots, it is pretty much the same.

JOHN HELLABY: Back in July, I think you made the statement that you had done a traffic study.

MR. CARUSO: Yes.

JOHN HELLABY: To be honest with you, I don't recall seeing that to date. Have you submitted that?

MR. CARUSO: Should be one on file with the Town.

JOHN HELLABY: I do not have a copy of it.

MR. CARUSO: We met with the Traffic & Safety Committee, and we showed them the results of the traffic study. We had excellent capacity left at Archer and Paul Road. Pretty good capacity at Paul and Chili. And with the new signal light, we had very good capacity at Beaver and Archer.

JOHN HELLABY: I think back in July you also made the statement that the price range on these houses were 170 to over 200. Is that correct?

MR. CARUSO: Yes.

JOHN HELLABY: Is that still your intent?

MR. CARUSO: Yes.

JOHN HELLABY: Time frame, I mean once all of the approvals are in place, and actually I can -- you spoke of phasing this in what, four phases?

MR. CARUSO: Yes. We anticipate there will be four phases. The first phase would be in there (indicating). The second phase would be to complete the first loop. The third phase would be to extend the loop. And then the fourth phase would be to complete this part here (indicating).

JOHN HELLABY: Each phase is geared on what, turnaround, sales?

MR. CARUSO: It is about 20 lots a piece. It is a pretty reasonable absorption.

JOHN HELLABY: So when are you actually -- would like to move forward on this, again, pending the approvals? Is it the spring? Are you still going to try to do something in fall in anticipation on this?

MR. CARUSO: What we were hoping to do is to be able to move forward. It is probably -- I guess realistic to think that we might be able to do some of the utility installation in the winter, when the ground is solid and you can do some of the pipe layout. You can move dirt without having a lot of erosion control. There is no rain to come wash it away. So maybe after the first of the year, so we still have time to go through preliminary approval. We have a final phase to go through approval on, and they -- it takes another good month for all of the exterior agencies, Water Authority, Health Department to approve the plan. So they would have to close on the property.

JOHN HELLABY: I guess that is all I have right now.

JOHN NOWICKI: When you eventually come back in, it would be nice to see on one of the drawings -- I didn't look at the phasing, actually the phasing lines, to show those sections, how it is

going to happen.

MR. CARUSO: I can prepare that for you, John (Nowicki). As we progress into either preliminary or final and when you get there.

JOHN NOWICKI: The other thing, too, we were talking about -- in regard to Mr. Fallone, Jr.'s property, the future connection there. I see we don't have anything outlined on the map here to consider that. Is there an opening here, or is that a straight piece there?

MR. CARUSO: We left a space out there. And, John (Nowicki), that space was put there with flexibility in mind. It could move 300 feet east or west. Wherever it needs to. And the reason why, John (Nowicki), is because it is in Phase 3 or 4 of this project when we did the final phase, where it needed to be, and we would expect that that property north of this would develop by then.

JOHN NOWICKI: That makes sense.

What about the buffering along the railroad tracks. I know it comes up in the comments from the Conservation Board. How high would those berms be and how would they be handled and what type of plantings would be proposed on top of that? There will be a noise situation there from the railroad.

MR. CARUSO: We don't have any berms proposed in that area right now because that area is encumbered by sanitary sewer easements. So there is an existing stand of vegetation in there that we propose to leave rather than going in and cutting it out. So we don't propose to put berms in there, because, A, there are conflicts with the easement, and this -- what we were required to do is put our drainage improvements in front of that easement.

So what we have decided to do was -- you know, we have the longer lots in there, so the buildings are set back furthest as possible and then leave the natural vegetation here. So we have a sanitary sewer easement. Then we're putting our drainage easement inside of that, and that way we still have a usable backyard. We don't have sanitary pipes or storm pipes right up where you might put a pool.

JOHN NOWICKI: I am just thinking, as we go along this thing -- hopefully these thoughts will enter into a future presentation here. As these houses are developed along the railroad track line here, maybe consideration could be given to some type of noise control measures, whether they be in the windows or the thickness of the walls, or the type of siding or what have you. Just on those units, to hopefully cut down on the noise factor, impacting those homes. Again, in the future, I would like to hopefully see an architectural presentation made of the style and shape of the homes that will be proposed here for sale, along with the price range for each one of them, so we would have a better feel for what we can expect here.

The other thing is just if we could get a copy of the drainage -- the traffic study from the Traffic & Safety Committee, and through the Building Department, that would be nice to see that.

Other than that, I think it is coming a long way, and the other thing I would really like to see if it could happen, but I'm not sure if everybody agrees with me, is the traffic circle, that would solve my major problem with this project, and that is all I have to say.

DENNIS SCHULMERICH: Is there a projected time frame in terms of when you might move from one phase to another phase based on the number of lots and market saturation?

MR. CARUSO: No.

DENNIS SCHULMERICH: Multiple years from one phase to the next?

MR. CARUSO: We think it would be two years per phase, so about an eight-year project. That is pretty common.

DENNIS SCHULMERICH: Just to be clear, the retention pond that you have on the northwest portion of the plat, that is still intended to be there, from the start of when you get to Phase 4? Or is that going to be a "what if" scenario based on how things evolve?

MR. CARUSO: We design things very to be self-sufficient, which is what we have done. He anticipates with whatever future development happens prior to this, we'll be able to do some sort of regional. I just want, you know -- I know Jim Mueller from Larry (Nissen)'s office is working on the Master Plan update, and I have shared with him the materials that we have prepared for the Archer Block review, so that he could see what I see with respect to, you know, taking advantage of those opportunities.

KAREN COX: Thank you.

DENNIS SCHULMERICH: So that may or may not be there, but this is in concert --

MR. CARUSO: If I didn't show drainage there, you know, "Where is your pond? How did you deal with this?"

DENNIS SCHULMERICH: As we have had with prior discussions around building in this area, I'm still left in a confused state about what -- just because I'm normally confused, I guess. I'm left in a confused state about what ownership the Town is taking to move the Comprehensive Plan

along and what it means to development in this area versus the ownership and responsibility of the developers or their designees to help us through this. So, you know, if we move forward with this, we're moving forward with the understanding that we still don't have answers to this corridor issue, accepting the work that John (Caruso) had done and, quite frankly, had seemingly taken on his own drive. So still -- I'm still confused by --

The only saving grace about it in my mind is we're doing it in phases, rather than going in and digging 89 holes all at once, which I suspect you would probably like to do if you could.

Only other comment I had is, I sure would like to see us figure out what is going to happen with traffic flow, rather than wait until we get to the crossover between Phase 2 and 3, to determine if a stoplight, a ramp, a tunnel, a four-way stop, a traffic signal. I guess that is at the Town's --

FRED TROTT: Yes. I mean if I can interject. Me and John (Caruso), when we did -- he met with our committee, and we discussed it. There are a few -- if you come up and -- if you come off of Archer, you look at that -- try to envision which way you're going to go for your house. If you come down, the only people that are going to be crossing that are the ones that live on that side of the eight. You're not -- how do we put this, John (Caruso)?

MR. CARUSO: Well, the way we looked at it, before we -- the -- the committee felt that putting four-way stops would have been overkill in that they don't practice putting stop signs out in residential subdivisions right now, and when they looked at this, they said, well, the decision to be made is 20 people of the 40 would go here and the other 20 would be there, so you would have less conflict. 20 would turn left and 20 would go straight through, and as a result we don't have 40. We just really have 20/20, and now they're thinking it is even less reduced, so why do we want the most stringent stop sign? Let's look at it. That was the rationale.

DENNIS SCHULMERICH: I don't have any problem with the thought process. I guess all I'm asking is what more will we know when you get to the crossover between Phase 2 and 3 than we know right now? So if there is a thought process that says it makes the most sense to have no stop signs, to have two stop signs, to have four, or to have a traffic circle, let's take our best knowledge set right now and capture that in terms of what we think is going to happen and then -- as opposed to addressing it later on when you get to final, that phase, that is fine. But what do we think should happen?

MR. CARUSO: Dennis (Schulmerich), we did evaluate that and that is what we think should happen, is no signs. That is why we don't show any.

JOHN NOWICKI: I would like the legal opinion on the Town's standpoint if someone is killed in that intersection.

LARRY NISSEN: There has to be at least two stop signs at that intersection. At least two.

JOHN NOWICKI: There could be a liability problem.

MR. CARUSO: It's quite common practice that the design engineers don't add the traffic control devices to the Town's -- if we do, the Town usually asks us to take them off the plan.

LARRY NISSEN: Joe Carr -- my understanding is that Joe (Carr) likes to have the freedom to go in and put the stop signs where he feels they should be put.

JOHN NOWICKI: I --

LARRY NISSEN: I have heard him ask the design engineers to do that.

JOHN NOWICKI: I would like a legal opinion for the Planning Board to make this decision.

LARRY NISSEN: My opinion, there should be at least two stop signs.

KAREN COX: You have to designate -- people get confused when they come up to a four-way, which is the dominant direction.

LARRY NISSEN: You can't let them scream through there. You can't.

MR. CARUSO: John (Nowicki), you may not know, but the Superintendent of Highways is quite powerful in the eyes of the law. He is the one that directs the traffic control devices to be put in his area of jurisdiction.

JOHN NOWICKI: Does he become personally liable?

MR. CARUSO: No, but, you know -- he might be, but I'm just telling you that we didn't just leave this off and hope to worry about it later.

JOHN NOWICKI: I'm just bringing up the liability part.

MR. CARUSO: I want you to know that we did meet with these folks, and this is -- we did come to these conclusions, and if the Superintendent of Highway wants to put stop signs on, he will. And it -- we didn't just leave them off because we didn't know what we were doing. We went after this question.

KAREN COX: Here's a question. I mean, I understand -- you know, a lot of times you can't figure out, or you can theorize a traffic pattern, but in reality, sometimes you have to wait until full build-out to figure out which way people are going to drive. However, can the Board make a more

general recommendation that the Superintendent of Highways consider traffic devices or that we feel traffic control devices are going to be necessary at that intersection?

MR. CARUSO: Karen (Cox), can I suggest that we -- as part of your list, that we get a letter explaining how he wants us to handle that, so you know that he has had some input on it.

JOHN NOWICKI: So everybody is in the knowledge here, there was subdivision called the Chestnut Ridge Subdivision that Perna and Valerio built years ago. There is an intersection in there that they left just like this intersection here with no stop signs on it. But as the people moved in there and the racing started to take place through that intersection and accidents occurred and some very close calls, they did put up two stop signs to control that, because let's face it, drivers, a lot of them, don't have some common sense. And we all know that by driving on our roads today.

MR. CARUSO: Yes. So...

JOHN NOWICKI: In a society where we need to control things, we have to do something to protect the people and --

MR. CARUSO: I have no problem asking Mr. Carr to write his opinion to the Board.

DARIO MARCHIONI: For a suggestion, as a Board, as planners, I think we should make it that the signs are there. If somebody else doesn't want to put them in, our responsibility is --

KAREN COX: Recommend that the two stop signs, directional control signs, whatever you want to call them, be placed at intersection.

MR. CARUSO: Could you recommend that, and could you go to him and say we want to implement two stop signs brought up from the Board --

DARIO MARCHIONI: But their responsibility stops here.

KAREN COX: Location to be determined by Town Highway Superintendent in the future, because I don't think you're going to know which direction is the dominant direction until you get into Phase 3, and you have traffic, more traffic going through that intersection. At least the Board says we think that there needs to be a clear designation as to the -- not traffic control, that -- it -- two of the lanes are controlled, then I think that will cover it.

MR. CARUSO: Dennis (Schulmerich), you know how we have done this before? We have put on the plans that this intersection is to have the traffic -- we didn't say what they were. The traffic control devices are to be installed by the Town as directed by the Superintendent, and then we put the cost of the signs in the letter of credit, the two signs. They're 300 bucks a piece.

DENNIS SCHULMERICH: That captures my concern. By looking at this plan, we know it is going to be an issue. It is way down the road, but let's acknowledge at preliminary site plan review we recognize it as an issue to be dealt with and not leave it up -- I don't mean it in a flippant way, but at a whim, where somebody puts it.

MR. CARUSO: The storm water pipe, we're going to add a lateral in the future, that is something we'll do later, but we show it now.

DENNIS SCHULMERICH: That captures my intent. I have all of the confidence in the Traffic and Safety and the Highway Superintendent, but it is just a matter of the Planning Board saying we see a problem, probably no different than what you saw.

MR. CARUSO: Okay.

DARIO MARCHIONI: Is there a method of protecting that buffer, that vegetation along the railroad tracks? I see it there now. I walk down there, and I think it is -- how can we protect it from -- you know, from -- any one of these --

MR. CARUSO: Dario (Marchioni), there is an even better thing. Most of it is on the Railroad's parcel so people couldn't go over it and cut it down.

KAREN COX: Shouldn't --

MR. CARUSO: There is sanitary sewer easement there with no vegetation. All of the vegetation you see is on the Railroad's parcel. I don't know how else I could -- I mean I can't even put a conservation easement over it. I won't mind doing that, because I know your intent. By the way, Jim (Martin), you asked us to look at some of the big oak trees. If you look on our grading plan, you will see that we pulled our drainage swales in on the property 20 feet so that we didn't cut or take those trees down on that north property line. So we looked at both of what you asked us. Don't forget we were before you guys for almost a year. We know what you're looking for, all right? We couldn't put a berm on top of the GCO sewer easements. They wouldn't let us do that. We had to care for our own drainage on the south side. We did put that drainage in. That is why we didn't put the berm in. We felt the screening there was safe because it was on the Railroad's property. So maybe we didn't have to do anything to keep it protected, Dario (Marchioni).

DARIO MARCHIONI: Since this is phased in four, I believe you said four phases, and you have a -- I don't know, how many years this is going to be until this is complete, right? What do you suggest? I don't know how --

MR. CARUSO: I would roughly say eight to ten years.

DARIO MARCHIONI: There will be a designated road for construction vehicles, because, you know -- as these subdivisions get done, especially the front part, we'll have construction vehicles continuously as you build the back part. Now, with mud, all kinds of aspects on these roads, I see the way it is coming, but -- is it going to be a designated principal road, or a -- or it was developing the rest of the phases ? Have you thought about that?

MR. CARUSO: This is not one of those projects, unfortunately, that I have two means of access into Dario (Marchioni) where I can create another roadway. Like I have been able to show you on like the Links project, we had that secondary connection and another -- unfortunately, we don't have that opportunity here -- I think that the way we have done it in the past, on similar projects like Red Bud, for example, is that we don't -- we either guarantee the road with a continuing letter of credit -- so for example, in Phase 2, we would put X amount of dollars in the letter of credit to guarantee that the road through Phase 1 is maintained in its structural integrity. If it is not, there is money to cover the repair of it.

DARIO MARCHIONI: I see the way it is -- in other words, as you finish Phase 1, the northern section, is there a way of blocking this from construction vehicles? I'm talking about, so at least -- you would have --

MR. CARUSO: Yes. It is possible that when we do Phase 1, that the construction vehicles stay in the main road and they don't go down through here (indicating). They could go in and access this way and access that way (indicating).

DARIO MARCHIONI: That would have an impact on the whole subdivision then. Construction vehicles throughout the whole --

MR. CARUSO: That is a logistic that could be worked out, yes. We usually deal with things like that at the pre-construction meeting. Mr. Carr has no problem in speaking up on how to protect his roadways. He should. He does. If there are other ways we can do it with the Town Engineer, Larry (Nissen) usually catches that before the plans are signed. The letter of credits are established. That is somewhere we can put money, too.

DARIO MARCHIONI: Another question. I don't know if you can answer it. Or if you don't want to, that is okay, too. There is some land on the west side -- I believe it is landlocked land there. Is there any way to square off this project with yours, or to -- you know -- or -- by considering a possibility of acquiring that? I don't know if you -- if you don't want to answer me, but I'm just looking as a planner, there is a landlocked piece of property there. What good is it, if it could be utilized, if it could be advantageous for this project, I think. That is all I'm saying.

MR. CARUSO: Very good question. I want to give you an answer. We spotted that a long time ago. We did take a look at that. It is a landlocked piece of land. Unfortunately, it is worth a lot of money to the owner, and it isn't to anybody else. And so it is -- we sort of stuck with our design, but -- it would have been a very easy thing to square this off, and we would have picked up -- if you could imagine, if this line was straight right here (indicating), these lots could have moved back, and we would have picked up four lots, six lots through this whole project.

JOHN NOWICKI: Larry Glaser's piece?

MR. CARUSO: Yes. It is not over with. We did look at that.

DARIO MARCHIONI: Another question relating to that. As a planner, also looking at that -- since it is landlocked, in the future if somebody wants to develop that, how are they going to get out of there? How will they utilize that property? Have a possibility of designing your subdivision here when it gets to that land, so that there is a future right of way to it?

MR. CARUSO: When we -- we looked at trying to buy it to alleviate that problem for -- I mean it is not our obligation to unlandlock that piece of land. But there -- you know.

DARIO MARCHIONI: We hate to see landlocked properties.

MR. CARUSO: The owner of that land could buy this lot here and give himself a roadway into there.

You know, I don't mind talking about it, because we looked at it six months ago. We went and approached him when we were doing the Archer Block presentations, and I told you, and I have told you tonight, that we have met with each one of the local people around there, and we did talk about that landlocked piece of land and acquiring it. It was very expensive.

DARIO MARCHIONI: By the time you get down there, something might happen.

MR. CARUSO: That would be great. At that point if it was an opportunity, we would come in for amended preliminary approval and take that landlocked piece off the tax rolls.

JOHN NOWICKI: John (Caruso), did I ask about the Monroe County DRC comment?

MR. CARUSO: Yes.

JOHN NOWICKI: Any problem with those?

MR. CARUSO: Couple misstatements in there. The County thought that there is a piece of wetland on this property. They're looking at the piece off -- when they look at the maps, sometimes it is hard to see where the wetlands are, but there are no wetlands on this piece.

JOHN NOWICKI: As long as you're aware of that.

MR. CARUSO: We do have all those addressed, or can address them.

DARIO MARCHIONI: One more question, if I may. If you have to go before the ZBA, that -- that -- let's assume you get preliminary approval. Is that plenty enough for you to go to the ZBA for final?

MR. CARUSO: It would help if the Planning Board would make it a condition for us to get that as part of our preliminary approval and then we would go do that. I think that that would be your letter showing we got the preliminary, asking to do the staggered. I wouldn't need anything from the Board. Besides, everything goes through Dan (Kress), anyway, so...

KEITH O'TOOLE: Couple miscellaneous points. As far as Section 278 is concerned, I don't see how this subdivision would meet the standard.

I think there is a zoning argument to be made, but if you apply the way it is supposed to be applied, I don't think that is the way to go.

With regard to stop signs, you certainly have the power to impose a condition that they install a hundred stop signs if you think it is appropriate, but I would also point out that the Superintendent of Highways controls the rights-of-way, and he could pull out each and every one of those signs once they have been installed. So you might want to coordinate that with the Superintendent.

One thing actually does bother me, and I think we had some discussion about this when this was presented in an informal -- is the railroad right-of-way. We sit here in this room and hear the trains go by and that is actually a fair distance and it is a far different thing to have a meeting in a room versus trying to sleep in a bed near the railroad tracks. You might want to consider having the developer come in with a design detail to show us exactly what they're going to do. This is building on John (Nowicki)'s comment. How they will design any noise mitigation? We do have staff in the Building Department that have some familiarity with that, and perhaps a condition of approval that makes the design of a shell of a house subject to Building Department approval, because this is not so much a building code issue as it is a site plan issue because of the sound mitigation. It is also a SEQR issue. Nothing further.

MR. CARUSO: I agree with that. And John (Nowicki), you touched on that. The thickness of the walls is something we talked about before. In a final design, we would come in and show you how -- at the preliminary, I don't have much to offer other than that I agree with him, I agree with you and it is something that we talked about earlier. And with respect to the 278, it would be a way to get around that, but this is really not a cluster subdivision. There is no way to cluster this to try to offer up anything. The variance is probably the better way, if you would.

LARRY NISSEN: I think that there is probably nothing within the subdivision itself that we can't work out. We have already made some steps in addressing our comments, and I received this package just tonight. I guess my main concerns at this point are the off-site impacts with regard to drainage. The west pond, there is not a defined channel there to accept discharges from the western retention pond, and it will be a fairly large pond that will have fairly large discharges, and I don't think anybody -- whoever owned that property wouldn't be too happy with us, I think, if we approved it as it is shown now. I know in the letter that I received tonight from Passero, they mention that there will be some negotiations, I think, in the future for an easement, but at this point, that is still not determined.

And the other thing is the southern pond that will serve Clay Hill on the eastern portion of this subdivision. It is not within the subdivision in question, Archer Meadows, and I don't know if we have that paperwork for Mr. Zuber, but with regard to his amenability to constructing this facility on his property, that something that I think we should have probably have in hand before we proceed.

MR. CARUSO: We can get you a copy of something from them that shows their intent is to grant an easement. We tried to put the pond in a spot that wouldn't take away from his future use or sale of that parcel on the south side of the railroad tracks. And where the pond is now, and it is cut off by an existing gas main and utility easement, it was a good spot to put it, so we'll get you something on that.

RICHARD SCHICKLER: As far as the street trees, we approved them as submitted, but I have a comment about the vegetation along the railroad. Might be fine and dandy until the railroad decides to come down with weed killer and wipe out all vegetation.

JAMES MARTIN: Does happen.

FRED TROTT: Our committee can more than -- all of the plans, I think this is the best one

that we have seen for this area, and I think we can handle -- if we need signs, where we put them. We want to approach it in a positive way, I guess.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Is there any stream on this piece of property?

JAMES MARTIN: Not to my knowledge.

MS. BORGUS: This pond that is going to be south of the railroad tracks, where will the water go from that pond when it's full?

JAMES MARTIN: John (Caruso), could you just address that quickly?

MR. CARUSO: There is a ditch that runs through the property. It could tie back into the drainage ditch.

MS. BORGUS: As the water goes south out of the pond, when it is full --

MR. CARUSO: There's a ditch that goes through the property that drains to the south.

MS. BORGUS: Then where?

MR. CARUSO: Underneath the roadway. Beaver Road, and then it goes to the creek, Black Creek.

MS. BORGUS: Who owns that land between?

MR. CARUSO: Between where?

MS. BORGUS: Between the pond and Black Creek.

MR. CARUSO: Between the pond and Black Creek. Zuber owns a portion of it. Avery and then the Johnsons, I believe.

MS. BORGUS: The reason --

JOHN NOWICKI: Who just bought --

MR. CARUSO: Lepore and -- not Fathers House, Jehovah Witness, that creek through there.

JOHN NOWICKI: Does it go that high?

MR. CARUSO: Does it go -- it goes right through there.

DARIO MARCHIONI: You get some easement -- we're going to get some easements?

MR. CARUSO: They might be happy to give them to you Dario (Marchioni), but I'm not asking them for them.

JAMES MARTIN: So there is a natural drainage swale?

MR. CARUSO: There is a natural one going right through the property that we're just connecting into.

JAMES MARTIN: From the previous presentation, it crosses several different parcels of property, but it is there.

MS. BORGUS: The reason I bring that up is that we are downstream from the pond at Whispering Winds and it is causing us incredible problems. Incredible problems. And I would hate to see anybody else downstream subjected to that just because somebody chose to put a pond upstream from them. Nobody should have to put up with that, just because you're downstream. It deprives the downstream person, if you will, want to call it downstream, incredible problems and hardship. It causes them to have to spend money. It causes them to lose land that turns wet, constantly.

Nobody wants to clean it out, to keep it clean so it flows. That becomes the responsibility of the landowner, I guess. You know, and as we build more and more of these ponds, we have to think about the people between the pond and where the water ends up in Black Creek. If the same person owned all of the land downstream, then I guess that is that person's problem, but when you have multiple landowners that are going to be affected, I think you have to take them into account.

You talk about natural drainage ways. It will take somebody's land away from them downstream. You better think about this, I think, ahead of time.

Now, I'm not all totally familiar with SPEDES II, but I'm wondering how this pond off site fits the law. I thought you had to have your retention facility for your storm water on the land in question.

JAMES MARTIN: Well, I think, you know, as we have looked at this area over there, and as John (Caruso) has already talked about, we have tried to find locations where we could put a detention pond that would offer mediation to more than just one parcel of -- or one lot over there, Dorothy (Borgus), and I think that is what his intent is, to is to make that pond accommodate not only this particular development, but also the water coming across the road from Clay Hill. So we're taking care of an area problem as opposed to a very specific problem.

Have I said anything incorrect?

MR. CARUSO: No.

MS. BORGUS: Does that meet the law?

JAMES MARTIN: Yes, as far as I know.

MR. CARUSO: Yes.

MS. BORGUS: Our legal person agrees with that?

JAMES MARTIN: Any comment from the side table on the SPEDES compliance with what is being proposed here?

KEITH O'TOOLE: Works for me.

JAMES MARTIN: Works for Mr. O'Toole.

MS. BORGUS: Okay. In view of the fact that we're going to worry about Clay Hill and other adjacent development, that makes my first point all of the more crucial. Because you aren't just draining this one piece of land, you're going to drain many pieces of land into a pond and subject somebody downstream to the drainage from areas they never counted on having to take the drainage from, because the railroad tracks intersected that. In a million years they never thought they would have to take that water south of that railroad track. I'm sure they thought they were protected, and now you're going to take existing development, houses that have been out for many, many years, developments that have been there, have a problem and now you will add it to this problem and subject them long after the fact to the ramifications of what you're doing.

MR. CARUSO: Mr. Chairman, that is actually not correct. Basically, all of the water from the Clay Hill Subdivision drains right down through that ditch uninhibited now. If there was any problems, it would be right now, as opposed to what we're going to do is introduce a pond that would slow that water down and release it slowly, and give it an area to back up into, while it was treated. So we're actually going to benefit the downstream people along that way, Dorothy (Borgus), as opposed to the current conditions. And that is why we did see it as a regional benefit.

MS. BORGUS: That works as long as your pond stays the depth that you dig it at when you begin. But what happens is they don't. They fill in, and what was a 4-foot pond or a 5-foot pond is suddenly a 1-foot pond, and now it is just washes through there just like we have up at our place. I speak from experience, let me tell you. Sorry, sorry, sorry, sorry experience. There was emergent access when this was first began. Where is that? I saw on the Power Point where it was supposed to have been addressed, but I don't see the access point.

JAMES MARTIN: There is another access point, towards the north, in Phase 4.

MR. CARUSO: Right here (indicating). There is a 60 foot right-of-way, right there, between those two lots where a roadway could be built into here (indicating). It could be moved to here (indicating). It could be moved anywhere along this.

MS. BORGUS: There is a 60 foot spot somewhere.

MR. CARUSO: Right there (indicating).

JOHN NOWICKI: I asked that question about --

MS. BORGUS: It was not obvious. I know you probably have -- certainly saw more than I did.

JAMES MARTIN: It is there. As John (Nowicki) said, it is subject to moving in one direction or another, but there will be an access point through that easement -- through that particular location.

MS. BORGUS: And that point will be decided when development occurs on the adjacent parcel?

JAMES MARTIN: Well, that certainly would be paramount to deciding where that is going to go, yes. Okay?

MS. BORGUS: Because I could see if they're not developed within a reasonable length of time, together, that you could leave the 60 foot right-of-way, and it will go nowhere. It will be a road to nothing.

KAREN COX: Well, if this parcel was developed long before the one in white, then a decision would be made that they're going to place a 60 foot right-of-way maybe where it is shown and the other development would have to address or -- or, you know, in the planning process, correct me if I am wrong, Jim (Martin), we would make them address that.

JAMES MARTIN: Yes. I think that anybody who came in with a development plan for that white parcel would be subject to aligning and access of their parcel to that 60 foot right-of-way coming from Archer Meadows.

MS. BORGUS: I understand that, and maybe my point being, maybe I haven't made this clear, supposing the parcel to the north doesn't get developed for quite some time, that is a definite possibility. And then you have a 60 foot right-of-way that is supposed to be your emergency access from the back of this, that goes where?

JAMES MARTIN: Essentially --

MS. BORGUS: To nowhere. That is what I am saying. It seems like you're -- it is a plan "if," and that "if" is crucial.

JAMES MARTIN: Dorothy (Borgus), I understand what you're saying. You know, I -- let's hope there is no emergency in there that is going to require dual access or secondary access for the foreseeable future until something happens with that other parcel. I don't think that that is, you know -- I mean the developer here is making provision for it. We have asked him to do that, and he has done it.

MS. BORGUS: We just hope there is no fire or anything down there until such time as there is another end to the road.

I just would urge the Planning Board to be very careful about this drainage, because, um, it has been put into a drainage district, it was on the Town Board agenda last night. And if there is a drainage problem there, and you have not crossed all your Ts and dotted your Is, it is going to be the Town's problem, and it is going to be a big one. So you better -- I would hope that you would take a second and a third look at what you're doing before you sign off on drainage on this property. Thank you.

JAMES MARTIN: Obviously if we go ahead with preliminary tonight, I think there will be a better granularity at the time we do final on all these drainage issues, because they're all being addressed by the Town Engineer with Passero Associates and the developer, so that is my expectation.

MR. CARUSO: You're right about that.

BARB DENIGRIS, 254 Archer Road

MS. DENIGRIS: I'm further down on Archer Road, and I wondered what the thinking was behind having the exit out onto Archer directly across from Clay Hill rather than having it further up, further north. I'm thinking about both exits coming out very close to the railroad tracks. If there is a train going by, you will have the traffic backing right up into the development, plus Clay Hill coming out there at the same time. There have been times when there is a nice long train and coming from the south on Archer Road, you can have cars all of the way back down to the intersection. I'm wondering why you placed it there rather than further north.

MR. CARUSO: Barb (Denigris), it is pretty common engineering practice to align roadways with other roadways, that way the turning movements will offset each other. That was the first reason. So it is sort of classic 101 design, you align.

The second reason we didn't want to move it to the north is there is a high spot in that hill, and it creates a sight distance. We maximized the site distance by putting it furthest to the south, knowing that you might have to wait for a train, but it is a better location to bring out, you know, a large subdivision like this. So we moved it to the south to maximize and increase the sight distance.

GREG RICHARD, 166 Archer Road

MR. RICHARD: I'm a neighbor right across from the Zubers, and I have lived there for 12 years. And when I moved there, I realized that at some point Vic (Zuber) was going to be selling the property and I think that this use is excellent and -- compared to apartments or multi-type use.

The questions that I have are on your map there, Mr. Caruso, if you could just point out to me where the Zuber homestead is.

MR. CARUSO: Right there (indicating).

MR. RICHARD: How many lots are proposed to face Archer Road?

MR. CARUSO: The homestead is shown right here (indicating). There is only one lot that is proposed to face Archer Road. Everything else is off the internal road, which is through here (indicating).

MR. RICHARD: The property that is next to that one lot that is facing Archer Road, will that property be bermed to Archer Road? It looks like there is a large flag lot that is going in there, that is probably a couple hundred feet deep.

MR. CARUSO: Just a single lot, and it is a big -- there is just a big backyard in there. We're not proposing to put any houses in. There is a stand of trees in there that separate Mr. Zuber's house, and he asked me if I would keep that stand of trees, and I acknowledged that.

MR. RICHARD: I appreciate that, but I'm talking about the property that would be coming from the internal, where that deep lot is going to be, is that lot going to just border Archer Road or will there be a berm dividing it?

MR. CARUSO: No. You're talking about these lots in there? These lots on the --

MR. RICHARD: On the internal, when you hit that curve, it looks like probably about the

fourth lot in.

MR. CARUSO: Big deep lots there. We just sort of wanted that space there to separate it from Paul Road or Archer Road. So, you know, we're not planning on building any elaborate berms. It has quite a separation. It is well over 200 feet deep. And it is down in a hole a little bit. So we weren't planning on trying to build up any sort of berms. We're actually trying to drain that area.

MR. RICHARD: Is that straight line that is going back, does that border for The Fathers House at this point?

MR. CARUSO: Yes, it is. This is the north property line, and this is the south property line of The Fathers House (indicating), and they -- well, you can see this plan here if you get up close to it, what they propose to do is put some soccer field and a baseball field in there.

MR. RICHARD: Okay. And I think you have answered the other question, is that the subdivision side road, main road is going to intersect Archer Road at the same point where Clay Hill –

MR. CARUSO: That was correct.

MR. RICHARD: One step further. As far as the noise that the Board was bringing up, the Board members, being as close to this new division where -- again, where I live, I don't think there is anything that anybody is going to be able to put up to stop the noise of those train horns that are flying through there at 60 miles an hour. And it's just a -- you know, it is just a real nuisance, but I don't think it is going to be anything that this developer is going to be able to stop the noise on.

And going back to Mrs. Borgus' drainage situation, there is also -- the drainage is also coming across from the new golf course, that is coming down, and the Town has put in a drainage ditch underneath -- underneath Archer Road so that the water that is coming from the back part of Clay Hill that comes down, goes underneath Archer Road and takes a left-hand turn, all that water now that is coming from the hillside from Bill Howard's development, is also going to enter into all of this water going so south. So it is going to be a lot of water flowing down through someone's front yard there.

JAMES MARTIN: I think that will all --

MR. RICHARD: It will have to be piped at some point, because it is going to be a lot of water.

DON MAYEU, 154 Archer Road

MR. MAYEU: A couple of things. I'm really positive with the houses coming up, but I still have a couple concerns. Mostly the traffic on Archer Road. I was here a month or so ago and mentioned, it is a speedway. You have tried to address the hill, which is a great thing. That is where the road should be.

The question about the house that is on Archer Road besides the farm house, is it going to be north or south of the farm house?

MR. CARUSO: North.

MR. MAYEU: Right next to it?

MR. CARUSO: Yes.

MR. MAYEU: Now there is one problem there you might not be aware of. In the wintertime, without the snow fence on that property, that road drifts totally over. Will the Town have a right to put easement fences in there to keep that road open?

Another concern, which is the long-term plan, is there going to be a walkway of some type on that far side of the road? Does the road need to be widened for all these new houses going in, and then you try to make it into a three-lane highway? You have to look at the traffic flow with the new golf course going in, the property that is still owned where the pond is going to go in. You're putting in 90 houses, times two cars, that is 180 a day that is going to come out of that complex. The whole planning of that area needs to be done. I'm not trying to put a stop to this, but what I am trying to say is put a lot of planning into what Archer Road should look like as far as the traffic flow before it is too late.

JAMES MARTIN: Just a comment on that. As we have said several times, we have the Chili Avenue, Paul Road, Archer Road, Beaver Road quadrant under intense study right now. And after the last Planning Board meeting, I sent a letter to the Town Board asking them to accelerate that study and get it done ASAP, because obviously, as you just indicated, and we're well aware, there are enormous impacts on that whole area over there, depending what goes forward with the other development in the area, and the Planning Board is doing the best they can, given that we have a vacuum of information around some of the things that are potentially going to happen over there. So I just want you to be aware, it is not being ignored. It is being pressed as hard as we can from

the standpoint of action from the Town Board to get that complete.

JAMES MARTIN: Move to close the public hearing.

KAREN COX: Second.

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

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

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

The Board review the proposed conditions. John Nowicki wanted an architectural presentation when they come back in.

MR. CARUSO: I have that.

JAMES MARTIN: You would be prepared to do architectural presentation when you come back in for final?

MR. CARUSO: Yes.

JAMES MARTIN: I'll request that of you. They agreed to do it.

JOHN NOWICKI: It's in the minutes.

One condition on the crossover road in there. I would hope they would consider the fact, too, that they could redesign that intersection, too.

JAMES MARTIN: I have tried to leave it broad, traffic control device. That could be signs or -- traffic circle, whatever.

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

1. Pending approval of the Town Engineer.
2. Applicant will apply to the Planning Board for subdivision of the entire original parcel into two lots.
3. Zoning Board of Appeals variance will be required for proposed front setbacks.
4. The Planning Board recommends that traffic control devices be installed at the crossover intersection per the Highway Superintendent's direction.
5. Applicant will supply design criteria that will mitigate railroad noise for houses adjacent to the railroad tracks.
6. Applicant will supply letter confirming permission to construct detention pond on south lot of subdivision that is not owned by applicant.

The meeting ended at 11:00 p.m.