

CHILI PLANNING BOARD
October 13, 2009

A meeting of the Chili Planning Board was held on October 13, 2009 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: George Brinkwart, John Hellaby, Dario Marchioni, John Nowicki and Chairperson James Martin.

ALSO PRESENT: Dale Dimick, Town Engineering Representative; Brad Grover, Traffic Safety Committee Representative; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board 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.

JAMES MARTIN: Mr. Powers is out of town.

Karen Cox is excused. For those of you who may not have heard, Karen (Cox)'s husband passed away yesterday morning.

I also wish to recognize we have several members of the Zoning Board of Appeals in the audience tonight. Paul Bloser, Chairman; Jim Wiesner, Fred Trott.

Who else is with us tonight? We have Adam Cummings, I believe, in the back row, and Bob Mulcahy.

PUBLIC HEARINGS:

1. Application of Empire State Carpenters Association R.E. Corp., c/o Wynn Bowman, Atty; 2 State Street, 1600 Crossroads Building, Rochester, New York 14614 for preliminary site plan approval for a change of use in portion of building to allow a trade school at property located at 21 Jet View Drive in L.I. zone.

Wynn Bowman and Kip Finley were present to represent the application.

MR. BOWMAN: I'm Wynn Bowman. I represent the Apprenticeship Corporation in a related proceeding, but I'm not going to really participate at all in this. I'm just here as an observer. If you have any questions for me that Kip (Finley) is not able to answer, I will be happy to see if I can answer them.

JAMES MARTIN: A lot of these are going to be engineering issues. Kip (Finley), are you prepared to address those?

MR. FINLEY: Uh-huh.

MR. BOWMAN: Thank you.

JAMES MARTIN: Comments that came out of the DRC review, I want to address some of those, and these will become potential conditions if this application were to eventually be approved tonight.

Certainly, all of the ADA requirements for the parking spaces have to be met per Town Code and per the ICC ANSI code, so they need to be striped, designated. Also included on the site plan, all right?

MR. FINLEY: Uh-huh.

JAMES MARTIN: There is an 8 by 8 foot shed over there on the west side of the building. And currently, it is not meeting the separation requirement of 8 feet. That is going to need to be moved so that -- so it will meet the separation requirement from the main building.

It has also been determined that there was no building permit issued for the 11 by 20 shed on the property, on the west side of the building, again. Therefore, a building permit must be applied for. As I said earlier, if this goes forward through the approval process tonight, that will have to be done within 30 days of -- of any potential approval tonight.

We have a note from the Town Assessor that they have requested an accurate floor plan showing the actual square footage allocated to the educational component of the building as opposed to office, and then there is potential leased space according to the floor plan that we were given. That is going to have to be accurately spelled out for the Town Assessor, because obviously the educational portion of this would be a non-taxed entity within the building itself. So I know that, you know, the floor plan you submitted kind of outlines where all of the stuff is supposed to be located, and in your letter, I think, Kip (Finley), there is some references to square footage, but I want that spelled out in detail to the Town Assessor.

I'm not going -- I don't want to steal your thunder, Miss Tindale, but Conservation Board

has made several recommendations on upgrading the appearance of the property, and you have a copy of the Conservation Board letter?

MR. FINLEY: Um, I have it in e-mail form.

JAMES MARTIN: I believe those should be completed as a condition of approval, assuming this does go forward tonight.

I have a question. Um, do you have any idea what is going to go into that leased space, or is that an unknown quantity at this time?

MR. BOWMAN: It's unknown. There is no immediate plans to lease that space out, but it will most likely be office space.

JAMES MARTIN: All right.

I think I have covered everything that I wanted to cover.

JOHN HELLABY: Kip (Finley), any formal presentation, or are we just asking questions here this evening?

MR. FINLEY: No. I have a formal presentation to get people oriented.

JAMES MARTIN: All right. We'll listen to your formal presentation. You have all my comments, so hopefully you will cover them in your formal presentation. You're on.

MR. FINLEY: It looks like the projector is working.

JAMES MARTIN: Yes. Don't touch it. (Laughter.)

MR. FINLEY: For orientation purposes, the property we're talking about at 21 Jet View is when you come up Jet View Drive and you have this second turn, I believe it is, it is the building right here (indicating), with a red boundary around it. It has been an initial original building, and then there was an addition to it. That was approved in 1990.

For this project, aside from addressing Conservation Board comments and potentially what you talked about handicapped ramps or striping, we're not planning any physical improvements or changes to the property.

Was the -- the gist of what we were told when we applied for this is basically document what we have existing to make sure it essentially complies with what was approved before we talk about any other special use. So we did go in and did a landscape inventory on what was there. We did an instrument survey, and both of those were in the packet.

A couple of key things is that this piece of property abuts residential property on this side (indicating). And there is a 100-foot buffer with a 50 foot vegetated area, so that is one important part of it that meets the code, and it is all complete.

There is other landscaping that was put into plan. We did get some comments from the Conservation group that there is a -- some maintenance needed, some deteriorated wall and things like that.

Basically, though, as far as code goes, it is basically meeting what was intended. It needs a little fixing up.

Another thing code wise would be parking for this. Originally, it was approved for 84 spaces. The calculations were based on some of the older code. Right now, there is currently 83 spaces out there. I think one, the stripes are off or it didn't get restriped when it was sealed, but it essentially meets what is needed.

What we did is took a look at it in the new situation, with what we're proposing. There is a section in the code that talks about the commercial school for adults. That seemed to be the closest I could find that fits here. So basically we're saying it is still the building it always was. It has manufacturing space. It has office space. Then it has students that come in. So it is one space per three seats, which there really aren't seats, but we do it by students.

So I calculated parking to see what additional spaces were needed. There is about 700 members in the Union, and this is their -- going to use this for training. They're carpenters and tradesmen. And they all have to go to at least one week of training a year, so you divide that out and get about 14 students in a class, 13, 14, 15. So we need to provide parking for them.

By code, we would only need five more spaces. I -- to be safe, I'm thinking maybe there is ten more spaces, if you add teachers in or if there is more than -- the students don't car pool like it suggests it might.

Basically what it gets down to is when you add the office space in, with the square footage that is in our letter that we sent, and the employees, one for every two employees, you add those -- we should have 48 spaces of parking for what we're using it for, and there is 83 on the site now.

Since what we're asking for is not to change our special use from manufacturing to education, what we want to do is add a layer to it. We want to keep it as manufacturing, because the students do make things. We don't want to lose that part. But we're not using it as a commercial manufacturing facility where we need all of the parking spaces for all of the workers that could be in a facility that size. So if it stops becoming or stops being used as an educational facility, it would go back to probably what it was intended for, and the parking would still be fine.

And there thirdly, one of the three or the third of the three engineering comments was that the Town Engineer wanted to have the proposed bulk standards on here. We didn't put it on, because there is no proposed. What we do have is what the existing code is, and we can put on what we do have at the facility now.

Most everything are -- our lot size is much bigger than it needs to be. More than twice the size. All of the dimensions are bigger. The front setback has changed since they dedicated the road through. When this was built, this road (indicating) used to curve through here (indicating). This setback line (indicating) is a little deficient now because they extended the road through. I

did not research if they did variances for people when they did the road or not.

And this side setback (indicating) was approved at a little less than what the code is now. But we're not doing any physical changes.

So those type of things we would address on our final plans or the next submittal of plans.

As far as comments you had from DRC, um, the handicapped spots that are there are shown on the plan now. I have not gone in the field to see that they actually have the right striping, right ramps and all of that, but that is a reasonable condition.

The 8 by 8 shed that is there can easily be moved off the building 8 feet.

These sheds, this one and the others are ones that the students had made. So the 11 by 20, they can dismantle that. That was a project. They will take it apart and it will be gone. So we can comply with the setback on the one that is permitted, and we'll get rid of the one that is not permitted. It is just being stored there as a result of their classes.

As far as the Assessor, I don't know if Wynn wants to address that separately.

MR. BOWMAN: We can definitely provide that. I thought they would want to do their own calculations, but we can definitely resubmit the same map with the interior floor plan and spell out what the square footages are.

JAMES MARTIN: Okay, Chris (Karelus), with that?

CHRIS KARELUS: Uh-huh.

MR. FINLEY: Conservation Board comments, the way I got them was in e-mail form, but I think there are three key things, unless they have changed. Is the letter the same as the e-mail?

PAT TINDALE: I didn't have the minutes from the secretary at that point, so there are some changes.

MR. FINLEY: Well, the basic things is that the bulk of the plantings are there. They do have a stone wall, landscape retaining wall around the front of the building, and apparently a part of that is collapsing and needs to be redone. There must be some soil that settled and mulch that is gone that needs to be taken care of. That is kind of a maintenance operation.

And at -- okay. So there is still more mulching on that, and then whatever might be said in the letter.

Our intent is to take care of all of those issues, with maintenance. The one thing that offers an opportunity for training would be if we could do that foundation wall as a class project, in the spring, that would be helpful because then we could have the masons and the carpenters actually go out and rebuild it, if we could have a time frame on meeting that condition.

It is probably good if you just tell me what the other comments were for Conservation Board.

JAMES MARTIN: Pat (Tindale), do you want to just provide him with a copy of your letter? Essentially they were around plantings.

PAT TINDALE: It is basically the wall, and also to match the stone that is along the front of the building, atop the mulch. You know by your entrance there, there is -- that is where the wall is sort of collapsing. Then if you're facing that entrance, to your right, you have a certain grade of stone and all of a sudden it stops. If you would just continue that there.

Then some shrubs are missing or have been cut out or died. It needs a little bit of help. Not a lot. But we need more plants there. And to the south wall, the same thing. I don't think there is any wall to the south, but it needs to be some more plantings, mulch and topsoil. That is about it. I don't think I mentioned specifically the plants.

MR. FINLEY: To me that one sounded like if we just beef up our maintenance and replace things that had died out, it is better than other projects where trees have died, they cut them out and we don't have a buffer or anything. So that one, I think we're in pretty good shape.

JAMES MARTIN: Clarification on that, Pat (Tindale). Obviously we're going into the non-growing season --

PAT TINDALE: Right.

JAMES MARTIN: Should we say have that completed by May 1st of 2010, something to that effect?

PAT TINDALE: Right. Or the end of May. It might be hard to get it done.

JAMES MARTIN: Is that reasonable?

PAT TINDALE: Yep. I will send you the exact wording of the report.

MR. FINLEY: Okay.

JAMES MARTIN: So we can put that in, 5/31/10.

Chris (Karelus), there was no building permit issued for the construction of the 11 by 20 shed. Do they need a demo permit to tear that down?

CHRIS KARELUS: No. I just ask capture it as a condition and get it down sooner than later. I'm sure they can accommodate that within 30 days.

JAMES MARTIN: I will put a time frame on that. Assuming approval, 90 days to get it done?

CHRIS KARELUS: I think 30 should be adequate.

MR. FINLEY: We're okay with 30.

JAMES MARTIN: 30 days to get it done. All right.

MR. FINLEY: The same -- would you like that to be the same with the moving of the shed, as long as we're dealing with the sheds, just deal with all of them? 30 days?

JOHN HELLABY: Uh-huh.

MR. FINLEY: I did just have one thing to wrap up and then answer questions, I guess.

We just want to make it clear, what I was hearing the notice read, that we're not really starting a trade school as that the whole place will be mobbed like an MCC or BOCES school

with hundreds of students driving in and out. These are adult apprentices and other workmen that belong to the Union. 14, 15 come at one time and they come every day or for a week and do their program, and then another one comes. I just want to make it clear this will not look much different than it already looks. Other than that, we can answer questions.

JAMES MARTIN: Thank you, Kip (Finley).

JOHN HELLABY: Kip (Finley), do you know what prompted this application? The reason I ask, you guys have been in there for quite a while.

MR. BOWMAN: I could probably address that. There was an Article 78 petition filed back in 2006, 2007 and 2009 for a property exemption under Real Property 420-A because it has been used as a trade school. It was just recently that we discovered that, um, the use as a trade school was not an authorized use under the code, and as part of our settlement negotiations with the Town Assessor's office, they requested that we make this application prior to the settlement.

JOHN HELLABY: What is up with the building, the existing building down around the corner that you operated out of for years? I think I hear signs are still up there, if I recall.

MR. BOWMAN: I know they don't still own that.

JOHN HELLABY: It has been sold.

MR. BOWMAN: I believe -- it's not -- it is no longer owned by the Apprenticeship Corporation. I don't know if maybe an affiliated company owns it now, but I know it is not owned by the Apprenticeship Corporation.

JOHN HELLABY: All right.

Will everything for the training program be done internal for the building? The reason I ask, I know several times at the other facility, the gang forming and everything seemed to spill out into the parking lot and at one time there were 20 sets of forms out there people were working on at any given point in time.

MR. BOWMAN: It is my understanding that all training is done on the interior of the building. I believe that the only reason that they would have to go outside is, um -- I know they do survey training, so they go out in the parking lot for that. But all assembly and the manufacturing is all done inside the building.

JOHN HELLABY: All right. You stated no additional lighting, no physical changes to the building.

I guess that is all I got.

JOHN NOWICKI: No. I think the Conservation, engineer and all of the notes we got from Chris (Karelus), I think you have covered them all. I don't have any questions. They're all covered.

GEORGE BRINKWART: Kip (Finley), do you know what the dimensions are on the parking spaces? Are they the Town-required sizes?

MR. FINLEY: They were exactly the way they are, but I don't know exactly what they have been striped at.

GEORGE BRINKWART: Would you let us know if they're compliant or not?

MR. FINLEY: Yes.

GEORGE BRINKWART: That's all I have.

CHRIS KARELUS: I just want to bring to the Board's attention that Wynn Bowman is my brother-in-law, okay, so that that goes on the record.

But also comment on a couple of things. With the handicapped parking, Kip (Finley), you -- you got it. I think the majority of it you have to look at warning stripping -- on the site, stripping is supposed to be in conjunction with the stripe, the spots.

They do have a surplus, so they are going to have to reorganize some of the spaces to make it complaint, but capturing it as a condition should be fine.

I guess what we'll do with the Building Department, the other issues as they close out, we'll insure that they get the rest of these items handled. So we'll somehow get a brief back to the Board if they handle all of the conditions or not.

I think is it also important identifying the one leasable space as office on the record, so just in the future if something else changes face or the building is changed up, we would then have to have them come visit the Board again to establish whatever use is different from office.

No other further questions from our office.

PAT TINDALE: I will e-mail him with the Board's comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing portion of this application, and John Nowicki seconded the Public Hearing. All Board members were in favor of the motion.

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

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

JAMES MARTIN: They have paid the fee for final.

JOHN NOWICKI: I would move final.

JOHN HELLABY: That's fine.

JAMES MARTIN: I have a motion to waive for final.

The Board all agreed with the motion.

JAMES MARTIN: Final is waived.
I have picked up some conditions here.

James Martin reviewed the proposed conditions with the Board.

MR. FINLEY: Did Pat (Tindale) say we could go to the end of the month?
JAMES MARTIN: I didn't hear that comment. You will give them to the 31st of May?
PAT TINDALE: Yep.
JAMES MARTIN: You're being generous tonight.

James Martin further reviewed the proposed conditions with the Board.

JOHN HELLABY: I think it is important you put any training that requires assembly or construction of anything is done internal to the building.
Because as I say, I know for a fact that at their last location, there was quite a bit of activity in the parking lot.
JAMES MARTIN: All training --
JOHN HELLABY: That requires assembly or construction.
GEORGE BRINKWART: Verification that the parking spaces meet code.

The Board further discussed the proposed conditions of approval.

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

1. All ADA requirements for parking spaces shall be met per Town code and per ICC/ANSI A117.1-2003.
2. The 8' x 8' shed on the west side of the building will need to be relocated to provide an 8' separation between the shed and the main building. Action to be completed within 30 days from this approval.
3. No building permit was issued for the 11' x 20' shed on the west side of the main building. The applicant has agreed to remove the shed within 30 days of this approval.
4. Conservation Board recommendations shall be completed as a condition of approval. Action to be completed by May 31, 2010.
5. The Town Assessor has requested an accurate floor plan showing the actual square footage allocated to the educational component of the building and the space designated as lease space. The applicant shall comply with this request.
6. All training and instruction requiring assembly shall be conducted inside the building.
7. Applicant shall verify that parking spaces meet current Town code.

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

INFORMAL:

1. Application of Chris Curts, Autocrafting, 170 Jefferson Road, Rochester, New York 14623 for final site plan approval for a change of use to allow motor vehicle sales, parts distribution, and service to serve municipal and fleet companies at property located at 997 Beahan Road in L.I. w/ADATOD zone.

Chris Curts and John Clark were present to represent the application.

MR. CLARK: Good evening. My name is John Clark. I'm here tonight on behalf of Autocrafting Solutions. We me tonight is Mr. Chris Curts, the owner of the business here tonight seeking final site plan approval. Last in front of the Board on September 8th. At that time we received our preliminary approval. Since then, we have made modifications to the plan, based on comments from the Planning Board and from the Town Engineer and Commissioner of Public Works.

We have received comments today from Mr. Dave Lindsay, Commissioner of Public Works. I will just go over those real quickly, pretty minor comments. Dave (Lindsay) would like a pre-construction meeting called prior to construction activities beginning. Certainly, we'll do that.

Dave (Lindsay) would also like the ability for the Town to have periodic inspections during construction, and we certainly don't have any issues with that.

A note will be added to the plan indicating that the drainage swale that now runs through the property will be cleaned out to the satisfaction of the Department of Public Works.

And there are a few other engineering items that Dave (Lindsay) would like to clear up after the fact, basically having to do with the storm water report and a couple of items that he wants to put in there, but certainly nothing major.

And we also received comments from Ken Hurley dealing with the -- with the Town Engineer's comments saying that he wanted a certification note placed on the plan, stating that if the construction does go over one acre, at that time, a Storm Water Pollution Prevention Plan will need to be generated.

With that, I guess I will open it up to any questions that you guys might have.

JAMES MARTIN: Okay. Thanks for going over Mr. Lindsay's comments. There was a comment from the Conservation Board regarding the size of the rain gardens and the plantings. I know there is a detailed note on the back sheet of your plan. I did a rough calculation on your 30 scale drawing what the size of the rain garden was going to be. I came up with a rain garden being about 350 square foot give or take. Rain garden 2 is going to be about 420 square feet, give or take, and Number 3 was going to be 1,000 square feet, give or take. That is the approximate size of the rain gardens.

Am I very far off on my calculations on that?

MR. CLARK: I do have everything with me. Those sounds about right.

JAMES MARTIN: Okay. All right.

And as far as the plantings go, they were outlined, all right, on the detailed sheet, but they requested that information coming directly to the Conservation Board; is that correct, Pat (Tindale)?

PAT TINDALE: Yes.

MR. CLARK: Okay.

JAMES MARTIN: So if you could provide that to the Conservation Board so that they could verify what is being planted in there?

MR. CLARK: The actual planting layout in the rain garden?

PAT TINDALE: It suggested plants but didn't say where they were going, which ones you were putting in.

MR. CLARK: Certainly --

PAT TINDALE: What else I need, too, while I'm on it, three copies so we can stamp approvals.

MR. CLARK: Okay.

JAMES MARTIN: That's all I got.

JOHN NOWICKI: The September 14th letter from the Planning Board, all those conditions are on the drawings?

JAMES MARTIN: They all remain --

JOHN NOWICKI: All in place. They're all in place.

JAMES MARTIN: We have verification from Mr. Karelus the items will be carried out.

JOHN NOWICKI: Thank you.

GEORGE BRINKWART: I -- I guess I was looking for it, but maybe I didn't see it, the area of disturbance.

MR. CLARK: About 41,000, a little over that, square feet. We have reduced -- previously we had that -- drainage swales in there that were quite a bit larger that was going to hold the ponding that -- they were going to be a detention facility. Per suggestion by Dave Lindsay and Ken Hurley, we went with the rain garden design, which is much less disruptive.

GEORGE BRINKWART: I guess I would like to have you put that on the plans. It is my understanding that that is going to be monitored.

JAMES MARTIN: Yes.

GEORGE BRINKWART: But the Town Engineer to verify that --

MR. CLARK: The area of disturbance? It should be shown on your plan. I will make sure that it is.

GEORGE BRINKWART: I didn't see it.

JAMES MARTIN: We'll be sure it is there before we sign it, George (Brinkwart).

GEORGE BRINKWART: Okay. That is all I have.

DARIO MARCHIONI: Last meeting, did we talk about -- he has got the proposed expansion building on this plan, but that is not going to be submitted, right?

JAMES MARTIN: We talked about it as proposed, but there are no plans to build it. They would have to come back for a new site plan approval were that building to go forward.

MR. CLARK: Um, I guess that wouldn't be -- that is not my understanding. We're proposing the proposed expansion.

JAMES MARTIN: You're showing it, but it could be changed, modified.

MR. CLARK: If the plan of the building were to change, you mean the size of it or -- or location of it would change?

JAMES MARTIN: Chris (Karelus), I guess, you know, my feeling would be that before that you would issue a building permit, you wouldn't -- we would need to review the site plan one more time?

CHRIS KARELUS: Well, the -- I guess it was a proposal with the phasing, when they were approached about the one-acre disturbance, would that be taken out or not, and the option

was left there to be taken out, and they have removed it from their project. I know talking with the owner it is within his five-year program to build that building, so it falls within the statute of the code. If the Board approves it, all they would have to do is get a building permit from my office to build it.

JAMES MARTIN: Okay. That's fine. I stand corrected.

DARIO MARCHIONI: So in essence we're also approving this extension?

JAMES MARTIN: Yes.

DARIO MARCHIONI: Okay. I wanted to clarify that.

DALE DIMICK: Dave (Lindsay) and Ken (Hurley) both wanted -- they requested that if approval is granted, it be contingent upon the Engineer and the Commissioner of Public Works approval as stated in their letter.

JAMES MARTIN: You picked that up?

MR. CLARK: Yep. Absolutely.

PAT TINDALE: You covered my comments.

JAMES MARTIN: Since this is an informal, there is no Public Hearing on this tonight.

Any other questions or issues?

We did SEQR at the preliminary. Before we vote, I would just go over this.

James Martin reviewed the proposed conditions with the Board.

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

1. All previous conditions remain in effect.
 2. Pending Town Engineer and Supt. Of Highways/Commissioner of Public Works approval. Department of Public Works conditions stipulated as follows:
 - A. A pre-construction meeting with the Town of Chili is required and approval from the Department of Public Works should be required prior to the commencement of any site improvements.
 - B. Periodic inspections need to be completed by the Town Engineer throughout the course of site improvements to ensure that site disturbance does not exceed 1 acre and that proper erosion and sediment control procedures are being implemented and maintained. The project owner will be invoiced for these inspections at a rate of \$65.00/hour.
 - C. A note should be added to the plan that indicates that the drainage swale that bisects the property will be cleaned to the satisfaction of the Chili Department of Public Works.
 3. Provide three stamped copies of landscape plans to the Conservation Board.
2. Application of Larry Glazer, 1 South Washington Street, Rochester, New York 14614, property owner: 100 Beaver Road LLC for final resubdivision approval of two lots into three lots in the 100 Beaver Road Subdivision at property located at 104 Beaver Road and 1 QCI Drive in L.I. & RB zone.

Ken Glazer was present to represent the application.

MR. KEN GLAZER: Good evening. My name is Ken Glazer. I'm here representing 100 Beaver Road, LLC. They are the property owners of the two lots in question, 104 Beaver Road and 1 QCI Drive. We're looking for two lots to be resubdivided to three lots. Since we last spoke, we just kind of have been waiting.

JAMES MARTIN: Previous meeting when we addressed this, we did go ahead with preliminary. Final was held up due to the fact that we had to have a filing to transfer, I believe -- Chris (Karelus), correct me if I am wrong, there was a COMIDA release that needed to be put in place on this property. That has been taken care of. I'm not sure whether the deed has actually been filed. We had asked to have notification to the Assistant Town Counsel when that occurred, but I understand it is imminent.

KEITH O'TOOLE: If I may, the deed was recorded today.

JAMES MARTIN: Deed was recorded.

KEITH O'TOOLE: Yes.

JAMES MARTIN: That was the only issue.

MR. KEN GLAZER: Okay.

JAMES MARTIN: SEQR was done at preliminary.

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

FOR DISCUSSION:

1. Midlakes Development, 758 South Avenue, Rochester, New York 14620 for conceptual review for proposed PNOD project at property located at 741 Paul Road in RB w/PNOD zone.

Betsy (Brugg) Brugg, John Caruso, Jess Sudol, Jack Howitt and Frank Imburgia were present to represent the application

JAMES MARTIN: I just want to recognize the fact David Cross from the Zoning Board of Appeals has joined us now.

One of the reasons there are so many members of the Zoning Board of Appeals with us tonight, we're going to go through another concept review of the project for the Paul Road. We thought it would be beneficial for the ZBA members to be here tonight to hear this presentation. If there are some questions or concerns that any of the ZBA members have as they're going through the presentation tonight, I want them to feel free to bring them up and, you know, if there is answers available, fine. If not, at least they will be -- their concerns will be recognized. So this is not a Public Hearing per say, but as -- but as Town officials, I will certainly recognize the ZBA members if they have questions or concerns regarding the presentation on the concept review tonight.

MS. BRUGG: Thank you very much. Good evening. Members of the Planning Board. Thank you for having us here tonight. For the record, my name is Betsy (Brugg) Brugg. I'm an attorney with the firm of Fix, Spindelman, Brovitz and Goldman. I was here back in July with our team, and the same members are with us tonight.

John Caruso is our Project Engineer from Passero Associates.

Also, the property owner and developer is represented here tonight, Jack Howitt is present, as is Frank Imburgia, so if there are any questions for them, they are here and available.

We were here back in July to present a concept plan for the development of the parcel, approximately 36.1 acres of vacant land situated on the south side of Paul Road, sandwiched between The Fathers House and the Wegmans Plaza. The Wegmans being the most intense commercial type of development found in the Town. The Fathers House and some residential uses adjacent to the property otherwise.

We have presented an overview. For the benefit of those present tonight who might not have been here at that earlier meeting, we'll do a quick overview of the project in its entirety, but we were asked to come back tonight to address some questions and present some information that was requested by the Planning Board primarily of a technical nature, things with respect to traffic and some engineering-related types of things. We were asked for a market study that has been submitted in respect to the senior housing proposed, and a -- various other items. I will defer to John (Caruso) in a couple minutes to get into some of the specifics.

Just as a quick overview, and just to repeat, I think what we presented the last time, but for the benefit of those who may not have heard, we're talking about a 36.1 acre site. What is being proposed is a mixed-use type of a development that has been laid out and designed with the intent of compliance with the Planned Neighborhood Overlay District provisions of the code, which essentially provide and have the purpose of providing a mixed use type of development with transitioning within the site, and transitioning in relation to adjacent uses.

Essentially this sits sandwiched between commercial and residential, and that has been incorporated into the plan in respect with the commercial aspects of this project, which are smaller scale, Neighborhood Business and Restricted Business types of uses are situated closest to the Wegmans Plaza and then retransition along utilizing the open space and the natural features of the wetlands and the features of the property to then transition within the site towards the residential uses. We provide passive and active recreation, a mixture of senior restricted -- senior housing. We're not talking about assisted living or nursing homes. We're talking about housing, townhouses restricted to senior residents and additional townhouses which are not restricted. So we have provided a mixture of all of these various types of uses and we do believe we have done that in a manner in which naturally flows within the property and provides the appropriate uses next to the most consistent adjacent uses. So that all flows within the site, providing the transitions that the code really is asking us to provide.

Again, there are some federal wetlands within the site. Between the federal wetlands and the road networks that we have to deal with, those aspects largely dictate some of the site plan elements that you will see tonight.

The intent is to really give you a high quality project with a nice village feel, really upscale architecture, attractive landscaping and all of the features that everybody has been waiting to see on this site. I believe that we're going to deliver that to you tonight.

In respect to a -- particular deviations from the code or other issues that were included in our application, I want to point out there are two aspects of the PNOD regulations that we would like to request area variances for.

Specifically, the code has a maximum on the permitted senior housing to 35 percent, and we're proposing something closer to 66 percent. Um, the market -- in -- today's market dictates there is a demand for senior housing in the Town. We have provided a market study. Senior housing is certainly less -- a less intense use than any other type of residential uses. Seniors are -- this is an upscale senior development. Empty-nesters, people who might be looking to kind of downsize. It would not be the type of variance that would have any noticeable impact. When

you walk through the neighborhood, it doesn't affect what anybody sees. Essentially it is just -- just pertains to the residents in the development.

The second item is the additional townhouses, the non-restricted units. We'll be asking and requiring an area variance to allow some of those units -- all of those units to be attached units versus detached units. Essentially an attached townhouse unit with a separate lot is very much the same type of a use as a patio home, but for clarification, because of the wetlands and other physical constraints of the site, in order to accomplish this development, it is beneficial to provide townhouse structures.

That said, you know, we're going to be incorporating and showing you some really nice architecture, landscaping and all nice type of features that would minimize or mitigate any impacts from that minor change to the structures. With that said, I will defer to John (Caruso) and have him address the information that the Board had requested and go through the site plan a bit.

Thank you.

MR. CARUSO: Thank you. You know, I don't know if I want to follow Betsy (Brugg) any more, because she says she is going to do a quick opening and then she does my presentation and I don't have much left to say.

This is the second time she has done this to me.

So I am not going to spend a lot of time on the background. I want to say welcome, Zoning Board members, and thank you for taking the time to attend.

Betsy (Brugg) gave a little bit of background. I think it was important for you to hear that, because last time we spent a little bit more about the project. I just want to add to her background a little bit about the uniqueness of the Planned Neighborhood Overlay is the fact that that we have this wetland in the middle really allows us to transition within the property where we normally use the whole property to transition in uses from commercial to residential area with high density residential.

So this is very unique. I have never had a piece of land that we do both on one, except for Medley Center, and that is a whole different creature than what we're trying to do here, so I think that was a really good point to make.

The other thing is, for those of you who were able to go on the site walk, you were also able to see that federal wetland that is delineated very well under its own natural boundaries out there, and, um, that is what we're seeing here on that plan. Our attempt to try to preserve that with this layout.

So with that, Mr. Chairman, I am going to talk about the -- so the homework task issues that the Planning Board and the side table, staff had given us from our last meeting, and I sort of categorized these topics into three spots. One is issues regarding the SEQR. Traffic, access, the -- the cross easement to Wegmans, wetlands, cultural resource investigations, drainage and infrastructure capacity.

What are we doing about those?

The other topic was land use, zoning and variances, and Betsy (Brugg) touched on the variances real quick.

The third thing is what changes have we made to the plan most recently that have come from the Planning Board that we want to show that we heard what you said, and here are some of the things that we're doing as this plan continues to develop.

And I hope that you will recall and appreciate that this is similarly -- a similar approach to how you did it last time, the applicant came in, we had several meetings together, to try to get to the plan to you to where you really liked it. That is our approach here.

So with that, I will back up. The topics we'll talk about now is under the heading of SEQR. The first thing I will talk about is our traffic study.

Mr. Nowicki, I will be happy to let you know with did a full thorough traffic study. Didn't just evaluate our project, but we went down to Archer Road. We went up to Chili Avenue, and we integrated in and looked at some of the other regional traffic studies that were done to look at what did they recommend our area, improvements to our area. And it reached out -- the Jet View Drive one was the closest one, and it reached out to Archer Road where it looked at north and south left-turn lanes.

We also noticed that in our study. We evaluated the intersection. We put the results in the study, but we show there is a real difficult northbound left turn, and that the -- the turning lanes which were already addressed in County study will help that situation.

JOHN NOWICKI: That is by The Fathers House.

MR. CARUSO: You asked us to do that. I wanted to let you know, we do have a traffic study that was done. We met with the County over the results of our study before and after so we were doing -- we were on the right track. We found that -- we have two entrances. Both our entrances continue to operate well during the proposed development. One of our driveways will require a left-turn lane, and that is the east most entrance. And we also looked at the -- the most critical intersection out there is not only on -- in the -- on our property, but it is the Wegmans entrance across from Walgreens.

Um, and we showed that to the County, and the results of our work we shared with Wegmans, and we shared it with the County, so that they, in doing their evaluation of Target and that update study, they had some most recent information. So we did that.

The other thing I wanted to bring out, in our study, is a comment that came from Dario (Marchioni). It was a really good one, and Dario (Marchioni), I want to let you know that we looked into the cross cut-through at Grenell Drive. And what we found is, is we found about the

turning movements at Grenell Drive were about 80 vehicles per hour -- '80 vehicles per hour in the turning movements.

And there is only about 20 homes on Grenell Drive. If you assign one car to one home, there is about 60 cars cutting through, so we were actually able to prove it.

Then we made recommendations on how that might be resolved. We point out with each recommendation it could be resolved, there is also a negative. For example, if you just cut the road off, it is hard to get snowplows through the street. It is hard to get refuse through the street.

If you made the street one-way, that only serves and solves the problem in one direction. So we looked at a lot of pros and cons, several alternatives and we did put that in our report. And just -- I wanted to let you know we addressed that.

Before I leave traffic, I want to talk about the two means of access. There is always a question on a piece of land. You always like to have the owner of the roadway, New York State DOT, Monroe County DOT or Town review that and comment on whether or not they will allow two curb cuts, and they did in our case. They are going to allow us to have two curb cuts to the property. That is a good thing for us, because we don't want our residents integrated with commercial use.

Okay. Moving on. The access easement to Wegmans. Jack (Howitt) and Frank (Imburgia) both went and met with the officials at Wegmans, and they had offered to participate in a cost of equitable share, if, in fact, a signal light was required at the entrance onto Wegmans' property.

Wegmans appreciated our conversation and said, "Well, as we review our traffic study that is being updated right now, if, in fact, we do need a signal light, we'll continue our discussion with you. If we don't need a traffic signal light there, we'll have to see, you know, what comes of that."

So the great news is that we didn't get, "No."

We also want you to know that we want that cross-access easement very badly. We think it really helps our project, because we are trying to design our project to fit in with what is going on in the commercial aspects of the adjacent land.

Wegmans did ask us to remove one of the proposed accesses to their property, and that is the southern one. That is in this area right here (indicating).

JOHN NOWICKI: Oh, really?

MR. CARUSO: We had two proposed in the last layout. We eliminated one and we allowed one to remain, and that was through the results of that meeting, I should say. Okay?

JAMES MARTIN: Is that what is reflected on this?

MR. CARUSO: Yes.

GEORGE BRINKWART: So Wegmans does not want any access to their property via that westerly property line?

JOHN NOWICKI: You're showing one.

MR. CARUSO: We have one. We proposed two before. The southerly one they thought might impact their drive-thru window, the -- they thought it might impact the drive-up window at their pharmacy, so we let it at that.

JOHN NOWICKI: That is probably true.

MR. CARUSO: Moving on, under topics, wetlands, we have delineated wetland. The wetland delineation is good out to 2011, and so that was something you asked us to look into, and it is still solid.

But FYI, if you notice, some of the trail systems in our site plan layout, we have integrated our trail system to be on the edge of the wetland in the residential area so there isn't that accidental introduction to the wetland area. It is a federal wetland with a real tight border, so we have that shown.

Another thing that we did is we completed a cultural resource investigation, a Phase 1B, and to eliminate total any cultural resource value out there, again, we're trying to build up a real good record for SEQR here for you. We told you we would do that, and this is us going down through that.

The fifth item is drainage. We have onsite storm water management areas. They're shown in multiple places. The last time we met, we weren't sure where they would be, but since that we had a topographic survey done and we know where all of the spots will be and how our drainage will work.

And then lastly is infrastructure capacity. We are proposing to dedicate the water main and the sanitary sewers on the project. That is a good thing. I think that opens up the potential for development around -- in and around this parcel. The -- the roadway and the storm sewers will remain private. So essentially there is no -- there is no infrastructure dedicated to the Town for their maintenance.

All right. So my next topic that I want to move on to is land use, zoning and variances.

As Betsy (Brugg) had pointed out, our town home project is proposed to be rentals, but we're also aligning it for sale. That means each town home will have to be on its own lot. So in order to do that, we had to establish a town home lot and a subdivision plan. So if you will notice in your plan set and over here, that there is a subdivision layout of a town home project.

In order for us to do a subdivision layout, and a town home project, we elected to do a cluster development; whereas, we created a conventional plan, and if you look to the drawing in the upper left there, you will see a conventional plan of 116 patio homes, which is what is allowed in the zone, and also a commercial layout that also meets code.

It has open space requirements, and that -- that conventional layout is the foundation for us

to meet the density requirements that we're asking, 116 town homes and 52,000 total gross square feet of retail. And the reason that we're going through that, is that the 278 application allows us to eliminate 116 variances so this can remain fee simple. And I guess the -- I point that out sort of as a joke because the Zoning Board is looking for variances, and I'm trying not to do variances here, but you can see under the 278 application, we can actually create the cluster development that we would look for. The benefit here is really to preserve the wetland and the significance of preserving the wetland is really what we identified at the beginning of this. This is a very unique piece of land in that the separation as a result of the wetlands is what makes this PNOD work from residential to commercial. So it is sort of a very intricate use of the zoning, but it actually preserves the intent of the Planned Neighborhood Overlay.

And so with that, what variances do we have? Well, as discussed earlier, again, Betsy (Brugg) stole my thunder. In order to cluster into this area -- I will move over here (indicating). How -- how did we get 116 units in an area where we had to overlay on the wetlands -- here to get 116. That is by attaching these buildings like so. The code doesn't allow us to attach them. What is an allowed use is the patio homes, but the patio homes are essentially a senior house, not a family house, so we think the intent of the patio home is seniors. We're proposing seniors. We think the use is the same versus the code and all we're asking for is allowing us to attach these buildings.

There is a part of the code that says there are other structures that could be used to support our zoning and instead of trying to make that interpretation fit, we just decided that we would ask straight up for the variance to attach these buildings. That is the one variance that Betsy (Brugg) spoke about.

And the other variance is, exceeding the allowable minimum -- or the maximum allowable 35 percent, and we are proposing 66 percent of seniors, and that is in this area here where you cross over the bridge -- over the wetlands, and this back section is about 76 units of the 116.

This is what we're calling the senior area (indicating). Some of the design changes we'll talk about in a minute as we took our -- our Community Center from here, and we moved it to here (indicating), so when you come into the senior area, it is fully supported and in view.

But -- but the point I wanted to make is this is the 66 percent (indicating). This is 34 percent (indicating). The balance, 40 units, are the market, not senior, but market family rate type use.

So what do I have left?

Buildings. In your packet of information is some photos, and in these photos we were trying to show you -- I'm just going to do the commercial area right now. The residential area you have seen before. It's 1400 square foot town homes. I think they're going to be some ones and two-stories. We're going to have as many basements as possible.

Our -- our soil investigations, by the way, came out in our favor so that we can have more basements than not. As a matter of fact, Jess (Sudol), I don't know if we have any restrictions yet, do we?

MR. SUDOL: (Inaudible).

MR. CARUSO: We all wanted basements and we're there with that. If I could then, I would like to move over to the commercial side. It is a little more interesting and most of our discussion tonight has been on residential.

But on the commercial side, we were asked to integrate the sidewalks and the paths through the whole entire project. We were able to do that. We have a sidewalk system along the front of Paul Road. We were able to do that.

And most recently, we were asked to try to create more of a community impact to our commercial area. I think once we had a chance to think about it, um, I am really pleased with the way we were able to do it.

We think that this project is going to wind up with two anchor retail areas up front, and we want to preserve them, because usually those anchors help finance the rest of the project.

So our flex -- our flexible retail area is going to be more in line in the middle here, in this core. This area in the back has a tendency to -- to look at maybe a single individual user. We're not sure. But this little pocket may tend to go that way.

That leaves us this opportunity here in the middle. If you look, what we tried to do is in this core area here (indicating), which is where we would like to create our core area, we tried to do some amenities for pedestrians, a place for people to gather. So we plan to use in our architecture the covered sidewalks, and you will see some examples of that in there towards the end where people will be walking out of the weather.

And there is some pedestrian areas at the end of the parking lots. Then where the two buildings meet like this (indicating), if you look on your plan real close, we are proposing to cover that area like a covered gathering area, and there is an open area in your plan that shows an area similar to what we're proposing, but we propose to cover ours with the extension of the roof line.

So on a photo like this is something that we plan to have, and all of our pathways, all of our sidewalks will lead to this natural gathering area. Then we'll take the end of one of our buildings here, and if you want to look at -- if you looked at your colored concept plan, you can see the area where we have it. We're going to extend the roof over that and have this covered patio area.

This will be a place for customers to come, people to come and walk, and a gathering place is really what we're looking to do here.

And you can see how we integrate landscaping and patio and tables.

There -- there's a photo that looks like this (indicating), that has some refuse receptacles

next to it and some benches. Those are the types of smaller gathering areas that we had at the limits of the parking area, and then there is a major one in here (indicating). So if somebody wanted to do a special event in there, these areas just aren't precluded to customers in the area that wanted to sit outside.

JAMES MARTIN: So if you look at -- if you look at this plan here (indicating), it is hard to see, but the walkways and all of that, um, are all covered. Even though you can see the sidewalk there, there is a canopy over there. You just can't see the columns coming down, but that is the intent. I tried to give you the photos to show that underneath this area is what that would look like.

I want to thank Mr. Howitt and Mr. Imburgia for allowing us to come up with that idea and to integrate it into our plan. This is an example of how we tried to plan some of our crosswalks to make them pedestrian friendly, to let people know where the peds should be.

And then there is a sample here of Monroe Avenue where that was successfully done. You can see that -- some lighting and just a little treatment to the facade goes a long way, and it takes the customers out of the elements.

So, Jim (Martin), I tried to keep it short. I hope it wasn't too fast going through that. If there is any questions or anything I moved through too quickly, I would be happy to back up on it. We have our whole team here tonight again with us to help answer any questions you or the staff might have.

JAMES MARTIN: First of all, I want to say thank you, okay, for taking the previous comments to heart and really, I think, reacting to them in a very, very positive manner. I think, you know, you're to be complemented.

MR. CARUSO: Thank you.

JAMES MARTIN: Mr. Howitt and Frank (Imburgia) and everybody else and Betsy (Brugg) who has been involved with this project.

I think those of us who walked the property have a much better feel for what is potentially going to be a very nice project. Certainly as I expressed, I mean it is going to be a very highly visible project in the Town of Chili. We want to get it right. There is no question about that.

The ropes we made Walgreens go through to build that store across the road, those of us that were here and remember that, um, again, we felt that that was a very key visible point in the Town of Chili, and we wanted to have it done right. And I think you have really come a long ways in meeting some of those issues.

Um, a couple of things that were brought up for -- you know, just as additional discussion.

Um, the -- the setback from the sidewalk to the garages, all right, on some of the units, will we be able to get a full length car into those driveways, John (Caruso)?

MR. CARUSO: Yes. You asked us to increase the length, and I think we set them all at 20 feet minimum. Jess (Sudol)?

MR. SUDOL: Yes.

MR. CARUSO: They were 18 before, and they're all 20 feet now.

JAMES MARTIN: You know, I think we talked about it at DRC, the stub coming off Archer Meadows. You still have a space in there. If anything were to go in there that would require a stub, that opportunity is still available, it is not shut off by this development.

Is that true, John (Caruso), from that standpoint?

MR. CARUSO: We put the stub in there not knowing what would happen on this side of the property line, and the stub is good for a dedicated road to tie in. But we don't have a dedicated road.

JAMES MARTIN: I understand that. But if something were to happen in the future. Okay.

One of the things that I talked to Jess (Sudol) about when we were walking the property, is you look at the 16 acre parcel which is next door between this site and The Fathers House, and it kind of humps in the middle, all right?

So obviously there is gravity flow to Paul Road for any sewer issues, but the rest of it has to flow back towards the corner of this property. And so I'm not sure where we stand on easement issues around that, or from the standpoint of insuring that, you know, if -- if that property were to eventually be developed, that they would have access to the wet well, which I think you're going to oversize on this property. I think that was Pure Water's request, if I remember correctly.

So again, that is an issue that I don't know where that stands in discussions with The Fathers House and all of the aspects of that, but certainly again, something to, you know, perhaps do a little more definition on down the road here.

JAMES MARTIN: And again, you have talked about the traffic study. I know we're waiting for the update from the County with the -- with the opening of the Target store and we'll just have to see how that goes at this point in time.

I know that, you know, you're proposing the crossover points in the wetlands. Are you thinking about going to a bank somewhere and getting mitigation rights, vis-a-vis that aspect? Is that the proposal at this point?

MR. CARUSO: Yes, it is.

JAMES MARTIN: Okay. I did not talk about that. You're right. Yes, we are proposing to do it.

Okay. Certainly as we -- as we go ahead and look at this in more detail down the road, preliminary site plan approval and those types of things that are going to happen, um, you know, phasing is certainly something to be concerned about, how you're going to phase this, um.

Clearly, you know, in the code it states that anything that does get built has got to be something that blends with the whole if something doesn't get built. I guess I'm paraphrasing what the code says around that particular issue. So certainly phasing would be a concern and what you would be doing when from that standpoint.

I -- just looking. I don't think you have a copy of this, because it just came out today, some comments from David Lindsay, talking about the wet well size, which you're well aware of from that standpoint. He also talks about the 16 acre parcel next door and how they would get easement access to that.

Um, talks about obviously the traffic warrants and the sidewalk along Paul Road -- but obviously there would be no crossover if there is no signal, okay?

Certainly the storm water ponds within the development, he touched on that, would be privately owned and maintained but would require the property owner to enter into a standard maintenance agreement with the Town, and that access easements be provided. And then if -- the developer would be responsible for completing yearly inspections to the facilities and provide a report to the DPW here in Town, which I know you're probably well aware of.

MR. CARUSO: Okay.

JAMES MARTIN: Um, that's kind of all I got.

Again, Zoning Board members, if you think of questions or concerns, please bring them up.

JOHN HELLABY: I think you have covered it extremely well. Some of the other things tied in with the phasing, actually, John (Caruso), timing issues as far as durations and things like that, I would be curious about. You know, generically, what you're thinking.

Site fill balance type things. Is it going to work or will we have to bring a ton of fill? Will we have to cart a lot out of there? I would like to know that. I'm assuming there is street lighting involved here.

MR. CARUSO: Yep.

JOHN HELLABY: Sewer pump stations, I would assume there is pump stations on this property. I know most of Wegmans and all of that is on pump stations that are actually sized and are they adequate enough to take care of the whole complex, or are there going to be more than one type situations, those types of things.

MR. CARUSO: A couple of you asked that. Let me give you a minute on that. We're proposing to pump out of this area. There is no other companies. We are proposing to put in a dedicated pump station, which would serve the area. We would size the main structure so that it wouldn't be too small later, and then try to put in the pumps that serve the immediate project.

And that way, if there is a huge project coming in, the wet well would be big enough, but you could pull out the V4s and put in a V8. That is typically how we do that. We are, and have been talking with Pure Waters on how we would do that with them.

JOHN HELLABY: Would they accept a dedicated pump station?

MR. CARUSO: Yes.

JOHN HELLABY: All right. That's all I got for right now.

JOHN NOWICKI: John (Caruso), could you just address the types of architectural treatments we might be looking at? Are these all two-story buildings for the Town homes?

MR. HOWITT: Can I speak to that, John (Caruso)?

MR. CARUSO: Sure. Jack Howitt would like to answer your question.

MR. HOWITT: Obviously nothing is cast in stone at this point. We have been visiting a number of the newer projects, as well as consulting with John (Caruso)'s architectural team. We're finding that we're proposing and what we find at least to this point as are most desirable is a unit that is totally complete on its first floor. Two bedrooms, two baths, living room, kitchen, dining room, washer dryer, et cetera.

In addition to that, though, we're finding that such as the units you can see over on this side, there's an opportunity to make use of the space over the garages for what euphemistically is called a bonus room. It is a very nice thing to have. It makes a wonderful study. It makes a wonderful extra bedroom, and we're contemplating a design that would have that as a potential option so that really the building does have two floors, but really only requires the one floor for comfortable living in approximately 1350 to 1400 square foot. Then the bonus room would represent another couple hundred square feet along with a bath and closet above that, if that was chosen to be incorporated in specific units.

And remember that all of these will have the benefit, to the extent we're able, to provide it, a full basement under the entire house, or the entire unit, I should say.

JOHN NOWICKI: Thank you.

JAMES MARTIN: Thank you.

MR. HOWITT: I hope that clarifies it. So they do look like two stories, because you have that gable with windows above the garage.

JAMES MARTIN: Thank you.

JOHN NOWICKI: The driveways themselves, would there be any types of a -- either identified paving -- paving block or stamped concrete separation or landscape strip that, you know, between the two units, for example, or four units? Because I see on one of these pictures here that you show something between the garages, and the -- in the paved area. I can't quite see it.

Is that landscaped area or pavers, or what are they? This one here.

JAMES MARTIN: How far down are you?

MR. HOWITT: That's simply a picture of some existing unit. The garage -- the garages

are separate. They're two-car garages. There are fire walls between them. And there is a variety of ways that we have in mind to treat the facades to give them both some small amounts of differences and some color combinations and make them look pretty.

JOHN NOWICKI: Is there any thought being given to how to show some kind of a separation that if I live in this unit on the right, if that driveway has a -- is -- is separate from the other side? You know what I am saying?

MR. CARUSO: I do know exactly what you're saying. I don't know if we have that width of pavement here, John (Nowicki), where we need that. I don't think we're proposing that width of pavement here.

JOHN NOWICKI: Okay.

MR. CARUSO: Why we would need that.

JOHN NOWICKI: Because I see here in the pictures, I want to know what we're looking at here.

JAMES MARTIN: I see what you mean.

JOHN NOWICKI: Is there a proposed Homeowners' Association?

MR. CARUSO: Yes, there will be.

JOHN NOWICKI: So there will be a monthly fee in addition to the rest?

MR. CARUSO: I don't know if he is going -- I don't think we're going to be dealing with that.

MR. HOWITT: In a Homeowners' Association, which relates to town homes, that are rented, the sponsor is responsible for the payment of those fees. So there will be a rent for that -- for the town home, but beyond that, there will be no responsibility of the resident for any additional cost.

JOHN NOWICKI: So the maintenance, the project, the LLC will be responsible for the maintenance?

MR. CARUSO: Yes. I think the point Keith (O'Toole) brought up last time, if it were sold, the HOA needs to be in place and he would want to approve it. That's fine. But I don't think we would be putting an extra charge on until the whole project was switched to for sale.

JOHN NOWICKI: As we move forward, I am assuming we'll see architectural drawings and things like that.

MR. CARUSO: Yes. As a matter of fact, we're getting into the mix of that now.

JOHN NOWICKI: That sounds good. I think that is all I have for now. I think you're headed in the right direction. I appreciate all your hard work, and -- the applicants themselves, too, have worked very hard. And Betsy (Brugg).

MR. CARUSO: We're looking forward to bringing you your architectural work, in which you can see how we have tried to make our version of that here.

GEORGE BRINKWART: John (Caruso), I want to thank you and everyone. I think is a wonderful project. I'm really excited about it. I know with the aging baby boomers, I think that percentage of senior living areas is very appropriate.

Um, and, you know, the photos that you have given us here with the sidewalk amenities, I think that is wonderful, and -- and while I'm on that topic, I -- I just have some comments in that I think -- really I think it is absolutely essential that we provide some walking areas or sidewalks for those senior areas that don't have sidewalk on -- well, there is only sidewalk on one side of the street. I think it is really critical that all of the seniors have access to sidewalks so they can go to your business area. That is actually a wonderful place for those folks to congregate and do some shopping.

Also, I'm glad to hear that Wegmans is giving you some positive feedback on willingness to work with you on this project, and I hope that would extend to some pedestrian access to their facility. I mean, having elderly parents, I -- I think we all do, but those folks love to walk and to be able to access the grocery store. I think that is critical, as well.

MR. CARUSO: We agree with you on that, George (Brinkwart), that access is fully multi-modal. It is bicycle, ped, vehicular. We want it to work all through there and safely.

GEORGE BRINKWART: I would be disappointed with Wegmans if they didn't show you enthusiasm with tying that access together.

MR. CARUSO: Jack (Howitt) has worked with them on other projects in the past, and -- within the -- you know, a couple phone calls, got in to meet with them in a very reasonable, short, what I consider short time frame, and so we're continuing to pursue that.

GEORGE BRINKWART: Without going into a lot of detail, and -- and I would certainly be willing to meet with you any time on this, but I would like to see some additional -- I mean, you have these focus areas where pedestrians can get together, but maybe here and there, I know those folks like to sit and talk and congregate. I think it would be handy to have a few more places with benches or other places where the folks can stop and chat a while or rest. I think that would be critical, too.

I think I -- I love it. I think you're on the right track with this. I think -- I would just like to see it tweaked a little more and just a little bit more for some additional access.

I don't like coming unprepared, but I'm kind of unprepared. On the wetlands. I think I'm -- on the maps it says the last time they were delineated was in 2000/2003.

MR. CARUSO: No. There was one done after that. I saw that on the plan. That is not correct.

GEORGE BRINKWART: That is not correct.

MR. CARUSO: There was one that was done after that. When North American was looking at developing the property, it was done again. And we have that delineation.

GEORGE BRINKWART: Can we get the dates and make sure that is updated?

MR. CARUSO: Yes. It is actually in the letter of intent, George (Brinkwart).

GEORGE BRINKWART: Good. Because it is only five years --

MR. CARUSO: Yes. It is in the letter of intent for the Planning Board for this meeting.

GEORGE BRINKWART: The other thing I hope you can point me in the right direction is your basis for doing the 278, um, is the size of a conventional development. I was just curious, because it was always my understanding that the -- the number of units based on that calculation would have to be done on buildable land, and I know the subdivision you depicted here shows all of the buildings in the wetland.

Can you point me where it -- so we're certain on the fact that you can use that 116 number?

MR. CARUSO: The purpose of doing the 278 application is to show the opportunity that you have to reach a certain number. You know, in some cases they look at it as density, but here we're looking at the number of units that we're allowed. And to -- if there is an impairment, wetlands or flood plains, um, your conventional plan can go into that area and then you take that amount and cluster it into the -- the developable area.

GEORGE BRINKWART: That is what I want to be sure about. It was my understanding it had to be buildable area.

MS. BRUGG: I would just add on that, just a touch on it. You're probably more familiar with some of the other perhaps, you know, because you're -- you're an engineer, you probably seen this in some of the other towns. There are towns that do restrict the -- the 278 developable areas, specifically excluding a wetland for example. The Town of Chili does not have that type of provision in the code.

KEITH O'TOOLE: What the Town does have is State Law and density averaging is optional. We don't have to do that, and, in fact, the customary practice is not to average in land you can't possibly build on, and certainly you can't build houses in the middle of a wetland.

GEORGE BRINKWART: That is something we may want to look at as far as the density number they have chosen. We may want to take another look at that.

KEITH O'TOOLE: I would agree. And, in fact, if you look at State Law, it asks if there is going to be a benefit that comes from averaging. Well, you can't possibly build half the houses in the wetland anyway, so how can you argue that as a concept there is benefit from shifting from something that can never possibly happen.

MR. CARUSO: One of the ways we look at that is there is a wetland permit process, and you could go through the wetland and fill those wetlands and buy the land bank and -- and so it is different than a river. You can't plug up and build over a river, but a wetland you can build in it. You can cross it. You can get permits, and if there is no amount of money that is any sort of barrier, it could be done. But we're not challenging that here.

We're just saying that in order for us to create a cluster with town home lots over it, we used a 278 application process so that the Planning Board has some sort of means of approving a lot size without us having to go to the Zoning Board and ask for all of these variances.

So it was -- it's a bit complicated, but it is sort of our way of showing that we -- we're trying to use our heads here, and reduce variances and -- variance requests.

As a matter of fact, there are no setback variance requests on this entire project. It's really a code interpretation thing on whether these buildings should be attached or not, and you know, one where we're exceeding a threshold, but I hope that when we do get our chance before the Zoning Board, that they will see that we went through the extent of cultural resource, actually getting a market study done to prove that all of the good developments in this area that do afford seniors are full.

You will see some projects, and you guys recently approved the Barbato project up in -- Cottage Grove is full, and that is in the study. All these new projects that you approved have been updated in that study. So it is good stuff.

GEORGE BRINKWART: The only reason I bring it up is because I -- I'm not sure I'm quite comfortable with the distance, the separation between the homes and the road and the driveway. I know you have pumped it up from 18 to 20, and that was certainly a positive move. But I don't know. I guess you always run that fine line between having enough units to justify the development and having a -- you know, a project that is really quality, and you're not crammed in so tightly. So I guess I'm -- I'm -- I guess I'm not 100 percent comfortable with the closeness of the homes to the road, but like I said, I think we're on the right track. I like the project. I don't know. I guess I'm -- I'm going to stop at this point. And just digest some of that.

MR. CARUSO: Thank you.

DARIO MARCHIONI: John (Caruso), I -- going to another phase, impact -- impact from this project. Did you do any studies at all on the kind of tax revenue the Town or the community would receive from this project versus the services that are to be provided for this project? Can you kind -- is it a positive to the community, or -- or tax revenue?

MR. CARUSO: You know, I didn't do any cost analysis to see what sort of impacts the -- the project would have on demands because we essentially eliminated any demand on the Town other than fire services, and the fire service and the Fire Marshal had attended our predesign meetings and had given us a letter saying that he liked the way we looped it and saw no problems with them servicing it, and thought that they could do it with the equipment and the men that they have available.

So I -- I think one of the -- one of the plus things that came out of our DRC meetings was that the Town sort of got off scot-free from having to provide any services, other than fire, police and -- and that's not Town. That is County, and -- and the district, the Fire Districts actually

provide that, and that is a taxable service, so as far as the Town goes, I don't think there is any services that the Town is providing other than public recreation and those opportunities.

MS. BRUGG: I would just go ahead and add, since we're discussing the area variances for the senior housing, I would point out that senior housing is significantly less likely to put any type of a demand on the School District. So we're not anticipating any significant addition to the School District from this project. By its very nature and design, it is intended to be targeting primarily seniors. Even the portion of the development that is not restricted to seniors does not preclude seniors and the nature of these units really does not attract families with children.

MR. CARUSO: And I think that even though the seniors may enjoy the great Senior Center that we have here, we also have a very nice clubhouse that we're proposing, and Jack (Howitt) has all sorts of ideas on how it will function, which might take some of the burden off of the Parks and Recreation Senior Center.

DARIO MARCHIONI: Just a thing in my mind. You don't have any calculations of what kind of assessment, revenue we could get from this project?

MR. CARUSO: Yes. We did do -- we did look at the taxes that would be generated overall from the project having talked with the Assessor's Office, and, um -- well, I -- I don't know if I want to put any figures out there, but it is a significant amount of money. I don't know what else to say. We did look at that. There is a sizable tax base.

JOHN NOWICKI: What is the chance of golf carts?

MR. CARUSO: I don't know where I store them, and I wind up having crosswalks and...

JAMES MARTIN: This isn't South Florida.

JOHN NOWICKI: That's it.

CHRIS KARELUS: I just wanted to point out to the Board, too, over the past few weeks, their association, the real estate appraisers put together a market study for them.

To George (Brinkwart)'s point, you know, the perception they really made it a reality in their report. Everything -- just to point out a couple of points I read through the study. They actually went through -- or on the request, we're looking for a more localized study. They really made it almost west side, county wide where they basically showed us an occupancy rating on these type of comparable units. Close to 97 percent.

Just to hit up a couple other points that show up in the report. The saturation of these, the absorption rate usually happens in the 6 to 7 month, 7 to 12 per year. They're anticipating occupancy in a flash, basically is what this report is saying.

It is also stating the fact that, in the census and all your indicators are coming back to the point that the market driven product is basically seniors.

So George (Brinkwart)'s testimony, the report seems true to it. So just also hit -- zoning will be dealing with that issue, but I'm not sure if everyone got a copy of this, but it was well done.

GAR Associates did a -- did exactly what we had asked for, and it really hammers home the product that they're proposing in their plan.

JAMES MARTIN: No.

PAT TINDALE: No comments at this point?

JAMES MARTIN: Obviously I want to save as many trees as you can.

BRAD GROVER: We already mentioned about the up and coming traffic study by GAR that is going to cover this area. We have no issues with it at this point.

JAMES MARTIN: Any ZBA questions or concerns or issues that you would like to bring up at this time?

DAVID CROSS: Again --

JAMES MARTIN: For the record, state your name.

DAVID CROSS: David Cross, 610 Scottsville Chili Road.

Again, like I would like to commend you on the plan. I think it is great. Certainly a need for senior housing in the community.

I would like to echo George (Brinkwart)'s comment about the density and how that was calculated. Something I think the Board -- both Boards should look closer into.

JAMES MARTIN: Anything else from any of the ZBA people here? I hope this has been beneficial to you to hear the presentation tonight. Kind of getting our feet wet on these types of issues, with these projects, and so I think this was a good way to handle this tonight, to have you here to hear the same thing that we hear simultaneously.

Anything else from the Board? Well, okay. I guess we'll continue down the road and if there isn't anything else at this point, I will say the meeting is adjourned.

The meeting ended at