

CHILI PLANNING BOARD
November 13, 2007

A meeting of the Chili Planning Board was held on November 13, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Chris Karelus, Building Department Manager; David Lindsay, Engineering Representative; Keith O'Toole, Assistant Counsel for the Town; Bill Steimer, 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.

JAMES MARTIN: Just administrative comment at this time. I already discussed this with the Board members. I will direct this comment to the side table. We have had numerous complaints at recent Town Board meetings of the ability of the audience to hear comments being made from here (indicating) or from the side table. I would request that any comments being made or discussion be very audible for everybody that is here tonight so that as a courtesy to the audience and everybody else involved, everybody can hear what is going on.

PUBLIC HEARINGS:

1. Application of Wayne Morrison, owner; 2601 Scottsville Road, Scottsville, New York 14546 for preliminary subdivision approval of three lots to be known as Morrison Subdivision at property located at 2601 Scottsville Road in A.C., FPO, FW zone.

Wayne Morrison and Tom Lucas were present to represent the application.

MR. LUCAS: Good evening. My name is Tom Lucas with McMahon LaRue Associates representing Mr. Morrison. Wayne Morrison is right there if you have any questions for him. I'm sure he would be happy to help you out.

We're asking for subdivision approval to turn one existing parcel into three proposed lots, minimum five acres for each lot and we're asking for site plan approval for the Lot 3 of the newly created lots there.

This is my first time in front of the Chili Planning Board, so if there is a procedure or anything that you want me to do, please let me know. It just so happens I'm first, so I haven't had a trial run through it all to watch anybody else do it, so let me know if there is anything I can do to assist you there.

We did get comments from Lu Engineers the other day and we responded to those. I faxed those to the Town this afternoon. I don't know if you have had a chance to see those, but I would be happy to go over them if you haven't. So if that is a good place to start.

JAMES MARTIN: We don't have copies of your response.

MR. LUCAS: It was just today.

JAMES MARTIN: All right. Before we go much farther, administratively, my application, I don't see any request for site plan approval. So we're not going to hear anything about site plan approval tonight. It has not been applied for. This is just for subdivision.

MR. LUCAS: All right.

JAMES MARTIN: Go ahead.

MR. LUCAS: That being the case, then the comments from Lu Engineers, the first comment was regarding the viability of the newly created lots, as far as supporting a proposed residence. At this time, it is a subdivision approval, as you stated, so there is no need to get into the specifics of what can be or can't be built on the sites. But we're aware that Lot 2 doesn't lend itself to a proposed residence at this time. That would require modification of the site. We're not asking for that approval at this time.

Anything regarding the Department of Health, their approval would be required prior to them, you know -- before applying to a Building Department, the Department of Health would have to stamp and sign the plans.

We did submit these plans to the Department of Health, and I spoke with John Engle (phonetic) this afternoon, and he is okay with the plans. He had some minor issues with some details, and we will make those changes prior to submitting final plans.

In regards to an easement over the pond, we don't see a problem with that, and that's appropriate, so we will add that easement. The flood plain as it is shown is accurate based on the

existing topography. These are real elevations. It is not just a tracing off the map. If there is something else that the engineer wants to see, we'll clarify that with him, but there are spot elevations shown at each tenth of a foot along that line, what the flood elevation is. We're not aware of any classified wetlands or swamps on the site. There is some small woodlands and an open field that was formerly Agricultural. It is no longer active. We'll label those areas appropriately on the revised plans.

As far as the existing elevation of the house, with the basement being -- it needs to be 2 feet above the flood plain. We can raise that to meet that requirement.

Any filling that we do within the flood plain will be within FEMA requirements. To my understanding, you're allowed to raise the flood elevation by a foot, but our filling that we're proposing within there is very minor, less than 1,000 cubic yards, I believe, within the flood plain. We'll provide exact figures and anything the Town Engineer needs to see in that regard.

That's about it that requires a response. The other comments were just intended for the Planning Board to go over.

JAMES MARTIN: Anything else?

MR. LUCAS: I don't have anything to add, but I would be happy to answer any questions or clarify any concerns.

JAMES MARTIN: You haven't seen the Monroe County DRC comments, I'm assuming, at this point?

MR. LUCAS: No.

JAMES MARTIN: They basically have indicated that according to National Wetland Inventory, um, that -- okay, that it does contain a portion of federal wetland, okay?

MR. LUCAS: Okay.

JAMES MARTIN: So there is a disconnect that will have to be addressed.

I guess I have a basic question. I don't understand the rationale for the three-lot subdivision to begin with, okay? Why that center lot is being carved out. You're calling it Lot 2. I don't understand the need for a three-lot subdivision, per se. Is there an explanation for why you're asking for a three-lot subdivision?

MR. LUCAS: I would have to defer that to the owner. He could probably better explain that.

JAMES MARTIN: Would you please come forward and explain to the Board why you want to divide this into three parcels?

MR. MORRISON: The reason I'm --

JAMES MARTIN: State your name.

MR. MORRISON: The --

JAMES MARTIN: Your name.

MR. MORRISON: Wayne Morrison.

JAMES MARTIN: Thank you.

MR. MORRISON: The reason I'm asking for this subdivision is I remortgaged a few years ago and I'm paying exorbitant flood insurance, and the house -- and the structures are not in the flood zone, and this is the way I understand it is the only way to separate the house out of the flood zone -- or the majority of it, to avoid paying that.

And it -- the insurance is useless. It only covers the structure. So I am paying \$4,000 a year for really nothing. And I would like to remortgage, and I had extreme difficulty getting a mortgage on that large parcel. They want to classify it as a farm.

JAMES MARTIN: So you're talking about your existing structure?

MR. MORRISON: Existing structures.

JAMES MARTIN: On Lot 1?

MR. MORRISON: On the main parcel.

JAMES MARTIN: And --

MR. MORRISON: And the five-lot parcel I would like to subdivide to satisfy a second mortgage. Five-acre.

KAREN COX: Who would purchase Lot 2 and pay the taxes and the flood insurance on that, if there is nothing that can be --

MR. MORRISON: I can't hear you.

KAREN COX: Who would purchase -- if you're carving out Lot 2, which is not an approved building lot and it looks like it has some major issues with the flood plain, who is going to be paying flood insurance on that until you sell it?

MR. MORRISON: If somebody wants to build a house there, that is an issue they would deal with as far as flood insurance. As far as I'm aware of, my neighbors are all playing flood insurance, but they're not at the elevation I'm at.

KAREN COX: But if you're doing this to relieve yourself of the flood insurance on Lot 1, you know -- until you sell that lot --

MR. MORRISON: I don't have the map in front of me.

JAMES MARTIN: I apologize. That should be up on the board.

KAREN COX: I guess I'm missing some understanding. Somebody has to pay flood insurance on that separate lot until it gets sold, I think. Maybe I'm wrong.

MR. MORRISON: The lot to the north would be whoever decides to build there would pay flood insurance on the structures. Lot 3.

KAREN COX: Right.

JAMES MARTIN: I understand that, but I'm not sure -- you're still going to be paying flood insurance on the existing structures on Lot 1; is that correct?

MR. MORRISON: No.

JAMES MARTIN: You're outside the 100-year --

MR. MORRISON: I'm outside the 100-year flood zone.

JOHN NOWICKI: Why are you paying flood insurance?

MR. MORRISON: Why am I? They're going by, apparently, satellite maps, so I have had to expend all this money to prove that I'm not in the flood zone.

KAREN COX: Somebody has told you that resubing your lot is going to relieve you?

MR. MORRISON: There were two problems. One is exorbitant flood insurance that is totally useless, being forced to be a mortgage holder. And then I would like to remortgage, and I had extreme difficulty the last time because nobody wants to mortgage anything over five acres. So that is -- the second parcel I -- the middle parcel I don't intend to sell. I just want to break it off so I can remortgage.

JOHN HELLABY: The mortgage would be on just Lot 1?

MR. MORRISON: Right.

JIM POWERS: Would you pay insurance on Lot 2, once it is broken out, or not?

MR. MORRISON: You only have to have insurance on structures. There is no structures on it.

JOHN NOWICKI: That is why I am questioning why is he even paying it now.

KAREN COX: Well, sometimes --

MR. MORRISON: Technicalities.

KAREN COX: Sometimes you have to really fight the -- you do have to do a lot of effort to fight something like this, but -- I mean, if this map right now shows it is not in the flood plain.

MR. MORRISON: I have lived there 26 years, and amazingly, their lines are very accurate because the river has flooded twice since I have been there. And the houses to the north of me have never flooded, but they're still having to pay flood insurance, and they can't get out of it. Because -- the mortgage companies are using a satellite map to justify this. That is not accurate.

JOHN NOWICKI: Where did the information come from for the maps to plot it the way you got it?

MR. LUCAS: That is based on a survey, topographic survey by our crew.

KAREN COX: But the 100-year flood plain is set up by FEMA.

JOHN NOWICKI: Why is it differing than from what he is saying?

MR. LUCAS: Ours is more accurate. It is really what is out there versus what somebody might have been there 50 years ago or what somebody thinks is there.

KAREN COX: Or insurance companies just cart blanche applying a rule to --

MR. MORRISON: They're taking advantage of the situation.

JOHN NOWICKI: This has never been challenged before. Even though you paid flood insurance all these years, you never challenged any --

MR. MORRISON: I didn't have to have flood insurance until I remortgaged the last time.

JOHN NOWICKI: And the mortgage company wanted the flood insurance?

MR. MORRISON: I'm sorry.

JOHN NOWICKI: The mortgage company wanted flood insurance?

MR. MORRISON: Exactly. And originally, when I got the insurance, I think it was a couple hundred dollars, so it really wasn't an issue. Well, they wouldn't renew that policy. The mortgage insurance -- the mortgage company will furnish it for you for \$4,000, whether you like it or not. And I also got a quote from the local State Farm agencies, and they were at the same price, so...

JIM POWERS: Have you ever attempted to subdivide this property before, or is this your first venture?

MR. MORRISON: No.

JIM POWERS: No what?

MR. MORRISON: I haven't attempted to subdivide it before, no.

JAMES MARTIN: Is there anybody currently interested in Lot 3, or is that --

MR. MORRISON: My second mortgage holder.

JOHN HELLABY: So your second mortgage holder will take over possession of Lot 3?

MR. MORRISON: Right.

JOHN HELLABY: In lieu of mortgage?

MR. MORRISON: The second mortgage, yes.

JOHN HELLABY: He is relieving you from that debt --

MR. MORRISON: Exactly.

JOHN HELLABY: I got it.

KAREN COX: What are the -- I guess I have a question for Counsel. What are the, if any, legal ramifications of subdividing a parcel that is -- to, at least to me, looks unbuildable, you know, nothing can ever be built on it?

KEITH O'TOOLE: Absence of engineering intervention, I don't see how you would build on Lot 2. I would think you would have to petition to get that flood plain line moved in order to allow enough of a buildable site for a house, which, in essence, means you're creating a lot which has no functionality, no use. I don't think that is in the Town's interest, frankly. It's the type of lot which could ultimately fall into foreclosure.

KAREN COX: That's a concern I have.

KEITH O'TOOLE: And if the gentleman's concern is lopping off a lot to create a five-acre lot, he has done that with Lot 3. But I don't -- I still don't understand why you would want to separate out Lot 2. Why not just keep that consolidated with Lot 1? Lot 1, apparently is -- is

called out at 13 acres, so you add another 12 acres onto it, what is the difference?

KAREN COX: Or add it to Lot 3. I just -- I have a huge concern about creating a lot that is never going to be able to be built on. I shouldn't say "never." Very likely you will never be able to build something on that. Because with the current -- I mean you found with your flood insurance, it -- the concern on the insurance companies is filling -- or is flood related, and filling in the flood plain is something FEMA does not look kindly on at all.

MR. MORRISON: The amount you pay for flood insurance is based on the value of the home.

KEITH O'TOOLE: If I may, I don't see what the relationship between flood insurance and subdivision is. Flood insurance is about your improvements and their relationship to the 100-year flood plain. Dropping a subdivision line doesn't change that. Now, it may be when the gentleman went to get a mortgage --

MR. MORRISON: I can't hear him.

KEITH O'TOOLE: -- it may be that when the gentleman went to get a mortgage, that his mortgage lender did a flood certification, they checked the FEMA maps and that triggered the concern to buy the flood insurance, but their engineer has refined the data, and it would appear that his house on proposed Lot 1 is well outside the 100-year flood plain. That engineering effort by itself, it would appear to me, would satisfy the concerns of the mortgage lender.

CHRIS KARELUS: To clear the air, if he provides your mortgage company with what's called an elevation certification, they will shoot up the lowest architectural opening or the finished floor of your house, and they will show that in relationship to the flood plain. You provide that elevation certification, provided by a licensed surveyor, that should provide your insurance company enough that you won't need flood insurance. That is the added benefit of coming to this evening.

KAREN COX: There had to be a way to fight that.

CHRIS KARELUS: Elevation certification from surveyor -- certified to FEMA is how you prove to them it is not needed, okay? I think your engineer understands. I think that is not with respect to the project tonight, but some guidance we can give the applicant regarding his own house.

KAREN COX: Well, we're getting probably all tied up in knots.

JOHN NOWICKI: No, I think you're -- I think this is a good direction.

KAREN COX: The big concern I have is creating a lot that is useless, and valueless.

JAMES MARTIN: I agree 100 percent. That is why I opened it up to say I didn't understand the rationale for Lot 2 in the first place.

JOHN HELLABY: I understand that you're creating a useless lot, but I also understand, I think I heard him saying, because he wants to refinance the existing Lot 1, the existing structures, and he is finding it very difficult to get financing for that large parcel. And I will admit, that is the case. A lot of lending institutions will not accept large parcels like that. Why, I have no clue. But -- so -- you know, you're creating a lot that will never be built on. You know, will he retain ownership? At this point I have to assume. If you sell the lot, then somebody is stuck trying to do the engineering on it.

MR. MORRISON: My intent is not to sell the lot, but I had a very difficult time getting a mortgage the last time. I didn't go to one lender, and that was the issue.

KAREN COX: What about -- can Lot 2 and 3 be combined, if you combine Lots 2 and 3?

MR. MORRISON: I'm sorry, I'm hard of hearing.

KAREN COX: I'm sorry. If you combine Lots 2 and 3 --

MR. MORRISON: I don't want to combine Lot 2 and 3.

KAREN COX: Why is that?

JOHN HELLABY: The problem is, he just stated, he is giving Lot 3 to the lender to satisfy the second mortgage, correct?

MR. MORRISON: Yes.

JOHN HELLABY: Then, in fact, he would have to give him 16, 17 acres to satisfy it.

MR. MORRISON: This is also the access to the back side of this pond. I don't want to give it away, and I don't want to sell it.

MR. LUCAS: I should add, Lot 2 is not developable as it currently sits, and although FEMA discourages filling in the flood plain, it is allowed and it could be brought into a position where you could develop on the lot in the future. It is possible to bring fill into the site or excavate from the site and build up enough of a house pad it would be outside of the flood plain at some point.

KAREN COX: I agree in theory, but in reality who will want to bring in that much fill when there is building lots all around this Town that are more attractive and less complicated?

MR. MORRISON: I have the fill from the pond.

KEITH O'TOOLE: And when we see the engineering for that, and perhaps when we even see the fill in place, then we can revisit that. The Town Engineer has pointed out, and, in fact, he made a comment in his letter dated November 9th, his first comment, he is reading from the code. Our code states that land must be buildable and free of hazards before you can do a subdivision.

Based on what we're seeing now, it is not buildable unless you bring in a train load of fill. And heroic efforts I don't think really count. Let's see it.

MR. MORRISON: The fact remains, Lot 2, my intention is not to sell it.

KEITH O'TOOLE: Once the subdivision occurs, we must assume that it is going to be sold. The current intentions of the owner really have no bearing on what may happen to that lot

in the future.

JIM POWERS: What happens if the County says no to the septic system that you're proposing?

MR. LUCAS: They have already agreed that that is suitable. The septic system has special design parameters because of the flood plain, but we designed it in conformance with it. The plans you're looking at don't reflect it because the County had not witnessed the perk test at that point, but there is a suitable septic system that is allowed there and it has been confirmed today over the phone. Obviously that will be on the plans with the stamp and signature to verify that.

JIM POWERS: You stated something about the basement and filling so that you could raise the basement level up?

MR. LUCAS: Yes.

JIM POWERS: How far up would you bring the basement with your fill?

MR. LUCAS: In compliance with the Town Code, we would be 2 feet above the high water elevation.

JIM POWERS: 2 feet above?

MR. LUCAS: Yes.

JOHN NOWICKI: That's on Lot 3?

MR. LUCAS: Yes.

JOHN NOWICKI: What is the intent here? I mean, I understand from the Assessors that you also owe some back taxes on this property. You're going to refinance all of this through this type of an engineering move to pay all of the debt off, or what?

MR. MORRISON: No. I mean there is -- there is one year's taxes due.

JOHN NOWICKI: So, again, I have problems with the three lots. I just don't know why you want the three lots.

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

CHRIS KARELUS: Sure. Mr. Chairman, the County, as you stated, commented on the project. They noted that flood plain, or, excuse me, that the flood plain, flood way and also wetlands are evident on the parcel. They also noted that the project is within 500 feet of agricultural land. The applicant submitted their Ag Data Statement with the project. There were some general questions from County Survey with respect to filing, and County DOT with respect to highway work permits. Very general.

From the Building Department standpoint, every lot we would ask that this Board approves in subdivision, show that it's buildable. What the Building Department is up against are Health Department standards that are compensated once lots are built. They try to do everything to standard with existing nonconforming lots that can't fit the Health Department's regulations. They're forced into issues that are not compliant there with current standards.

Lot 2, for instance, has a waterway that bisects the property. County Health Department usually asks that the septic system is separated 100 feet from a water course. With this property, Lot 2, in particular, with its relationship to the flood way, the invert elevations of all septic systems are supposed to be above the flood plain base elevation, which puts the septic system in its proposed location on this lot quite high out of the ground. It will probably be a full raised system, in addition to the 100 foot setback of the water course, will require 100 foot setback from any property line.

So we're asking at the very least that Lot 2 show it is buildable, percolation tests, grading, utility, all of the site improvements that the Building Department can go to a building permit with would be required for this project in order to have Lot 2 be approved.

The Town Assessor has also passed along comments to me. There is a substantial amount of back taxes owed on the property and the Town Assessor has said -- her comment to this Board is no approval should be granted on this project until back taxes are paid in full. Any approvals that the Town -- that has back taxes that are delinquent, no action should be taken by any Board with respect to an application with respect to back taxes owed.

She also looked at assignments of property addresses with respect to these three lots. The owner will have to work out with the County Clerk's Office, as well as the adjacent owners, the ability to move lot numbers around on Scottsville Road. There are no available numbers for any additional lots within these two property areas onto one side even to the other. It is something that the applicant will have to work with the County and the Assessor to remedy. Usually that is approaching adjacent owners to try to find a change of address to accommodate new addresses.

What she passed along to me is that there are no available addresses for any new additional lots in this part of Scottsville Road.

With respect to FEMA and the flood plain, today is November of '07. January 1 of '08 FEMA will be updating new maps. I did check the preliminary maps with this project's delineation. The engineer is actually just above what the FEMA mark will be. They use transects and they establish that base flood elevation. He's in line with where that is supposed to be with the property.

The only other point that Building Department needed just to be made is that the building that is proposed on Lot 1 is too low. Our code requires that 2 foot separation, so just to reiterate that point.

JAMES MARTIN: Is that Lot 1 or 2?

CHRIS KARELUS: Lot 3, excuse me. I apologize.

JAMES MARTIN: David (Lindsay), additional comments? He has addressed your letter.

DAVID LINDSAY: Nothing additional from what I have in my letter at this point.

BILL STEIMER: Mr. Chairman, can I come up to the map, to the print?

I hope you got the Conservation Board's comments in time for tonight's meeting.

JAMES MARTIN: Yes, we did.

BILL STEIMER: It was just in time. If you have had a chance to look at that. We, as a Conservation Board, and granted just in -- you know, feeding information to you and what we have seen on this parcel, I will read what we have here for the sake of the audience, and then I would like to go over to the map for a couple of minutes.

The Conservation Board is against the above subdivision as proposed. Most of the land in proposed Lot 2 and almost the entire Parcel 3 is within the 100-year flood limit of the Genesee River. In order to build, it is immediate plan for 3, as stated in what was received by the Town -- a serious amount of filling would have to be done.

And then we're saying, you know, doesn't matter what FEMA says or the DEC or the Army Corps. At some point in time, we as a community should not continue to allow filling in the flood plain. The water is going to go somewhere. Particularly this close to the Genesee River. And the back side of the proposed residence would be about 800 feet from the river.

All of proposed Lot 3 and most of Parcel 2 is farmland, with soil categorized as prime by New York State standards.

Basically, it wasn't farmed this year because of the plan that we're seeing now. I'm quite sure that next year it would be farmed if nothing changed. And the individual is here that has previously farmed it.

The other thing we're concerned about, lands on the west side of Scottsville Road, across Scottsville Road from particularly Parcel 2 and 3, that is, I will call it, a mini water shed for all of the lands, and if you're familiar with Scottsville Road, about 200 feet up north of the old -- the cobblestone schoolhouse, going down to about 400 feet north of the New York State Thruway, and over almost to the Pennsylvania track or what is now the Greenway, all of that water shed goes under Scottsville Road in a two-by-two-foot culvert, goes down a ditch that Chris (Karelus) spoke of, and has to go through the ditch across Parcel 2. So that is a direct flow. Then by water migration, a lot of that very shallow sub-surface water goes through Parcel 1 to get to the river.

So looking at -- I would rather have the elevation map up there, but -- could I either put that up there and go over that simply, because the numbers here, it may be legal, but it's not the right thing to do to build there. And even though technically the application is for subdivision for a five-acre lot, we all know what a subdivision for a five-acre lot means in the Agricultural Conservation area. So we should not be, you know, making this bluff. We should be honest with the person that is here, as a subdivision. And he has that stated in the text of what came to the Town.

Looking at -- this is a little confusing, but -- because usually you're looking off the road, but the top is Scottsville Road. If you're looking at the very north edge of Parcel 3, which is the north -- the north edge of the whole parcel, there is a small woodland here (indicating), and then the -- for that parcel, the average elevation is about 527. And there's only about a 4 foot drop from what is considered the 100-year flood limit back to the river. So it's very, very slight.

There are not many parcels in our township that are this flat. So it's -- even though it is considered prime farmland, it is limited by the wetness of the area, in most years. Not this year, but most years.

There also is a small ditch along the property line edge on the north end, but if you look at Scottsville Road, it runs across the top, um, all of this area in what we calculated to be about a 75 acre water shed. All that water has to come down through Parcel 2, in this culvert that goes under the road. And you can see that culvert, if you look up where the Number 2 is circled for that lot, directly above that, you will see 68 linear feet of 24-inch culvert. That has to take all of the water. If it were not for that, this would probably not be usable for anything, but that has been augmented -- it isn't natural. It is by contour somewhat natural, but it's been enhanced maybe 100 years ago to carry the water.

If anything happens to that, and we start to fill here (indicating), we're going to lose the general migration of the water, and if anything happens to that ditch, then we have lost the farming capability of another 75 acres. So I guess, you know, from a Conservation standpoint, technically we could make it happen. He could build there by changing a couple of things from an engineering standpoint. But it -- there's too many things against it. It just doesn't make sense.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: We have heard a lot of technicalities here tonight, but I think Mr. Steimer makes the best point and the best reason not to approve this. In Chili we have lost so much farmland. It's getting hard to find a farm that is intact any more and we have filled in far too much flood plain. This is not in the best interest of the Town of Chili.

Thank you.

STEVE GINOVSKY, 19 Hubbard Drive, North Chili

MR. GINOVSKY: I agree totally with Dorothy (Borgus) on this, and also on the same token, once we subdivide into three building lots -- it's supposed to be four building lots. We're not going to have this. These are unconformed ones. We have the water problems, as was stated, and the drainage of 70-some-acres across the street infringing upon that. I think it is spot zoning.

It is unfortunate that this gentleman here has tax problems, but for the Town to take a

chance of getting a foreclosure on two pieces of -- two lots here, I don't think it is in the Town's best interest financially.

And I really don't believe it's in the Town's best interest at this point to approve this.

Thank you.

JAMES MARTIN: Move to close.

KAREN COX: Second.

James Martin made a motion to close the public hearing and Karen Cox seconded the motion. The Board was unanimously in favor of the motion to close the hearing.

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

JAMES MARTIN: Keith (O'Toole), guidance on the comment from the Assessor, which seems to be a significant issue. And I quote, "Payment of any owed back taxes will need to be done prior to any approval of this project -- for their project. Does that statement carry the weight that I think it carries?"

KEITH O'TOOLE: My understanding of the process is that in order to file a map, you have to have -- taxes are paid in full with the County. So I'm not too concerned about that.

JAMES MARTIN: So that statement is factual?

KEITH O'TOOLE: Is it true, it is just that the gatekeeper would be the County, and not the Town.

JAMES MARTIN: Given that, I just don't see how we can move ahead with any approvals if that is the case.

My understanding is that we're really constrained from any kind of approval process until that matter is dealt with; is that correct?

KEITH O'TOOLE: Just a moment.

Keith O'Toole conferred with Chris Karelus.

CHRIS KARELUS: I think the pressing issue, Mr. Chairman, is the fact there is no available addresses to assign with the Assessor, as well. That needs to be taken care of before any Board action. Without available addresses, they will have to coordinate with local individuals, current homeowners for potential changes of addresses to accommodate any new buildings lots. From how she said she assigns numbers to homes in sequence, that between the two home addresses that are existing on this side of the road there are no available addresses, the County will not let them -- say, for instance, if his address was 100, the County will not let them assign a 100A, B, or C if there is no available 102, 104 and so on and so forth.

So available home addresses need to be made with this project as well as the issue with the back taxes. And -- as Counsel pointed out, the County Clerk's Office will make sure any back taxes are paid prior to the filing of the map. But for this Board's purposes, we need to see that there is available addresses, and that might be coordinating with approvals from adjacent homeowners to change their address to accommodate any new building lots.

MR. MORRISON: Can I make a comment?

Probably about 20 years ago, I had a separate electric service put on my barn, and at the time I was issued another address, 2602. My address is 2601. So there is another address available.

And as far as the tax issue goes, I mean I could go down and pay the taxes. The tax is not an issue either. The issues were flood insurance and remortgaging.

JAMES MARTIN: And again, I think you can give him some technical advice tonight that may give you some relief in that particular area, but I guess we have two options. I mean, we can table this until some of these issues are resolved, okay, or we can go ahead with findings on this if the vote is to deny it, or we can approve it, depending on what -- you know, how the Board feels on this.

But clearly, I see a host of issues that, you know, need to be addressed, plus some very, very significant concerns about the subdivision itself creating unbuildable lots. You know, basically under Town Code we're constrained from doing that. The Planning Board can't approve a lot that does not fit or isn't suitable for building.

I will defer to the Board. What are your feelings at this time?

DARIO MARCHIONI: I would say let's table it and give him an opportunity to address these issues, and then --

KAREN COX: I don't --

JOHN HELLABY: From the logistics standpoint, if it is denied this evening, the applicant loses his application fee, decides to go back and re-work it and break it into two lots, massage the Lot 3 to encompass a little more of the area out of the flood plain, comes back and wants to resubmit, he will be hit again for the filing fee; is that correct?

KEITH O'TOOLE: Yes.

JOHN HELLABY: That's pretty substantial nowadays. In all fairness, I believe he needs to move forward with this. I agree with Dario (Marchioni), I think we should afford him at least a shot to table it, re-work the thing and come back possibly, if the rest of the Board feels that way. That's a substantial chunk of money nowadays.

MR. MORRISON: I have lived there 25 years, and \$4,000 a year on top of \$8,500 of taxes is a lot.

JAMES MARTIN: We understand your dilemma, believe me. But obviously we have to work within the constraints of what the Town Code tells us we have to do, and --

KAREN COX: I mean, I will throw this out. You talk about reworking this, and I have -- I'm very uncomfortable about this Lot Number 2. So even if the applicant re-worked it, and comes back with three lots again, I'm still not going to be comfortable.

JOHN HELLABY: But I'm saying -- I don't know, is it feasible -- I guess the meeting has actually been closed. Is it feasible that -- I think the gist, if I'm getting this right, is the fact that you need the lot to pay the second lienholder off. That is the biggest issue here, correct?

MR. LUCAS: I would leave that for the owner to discuss that. I just wanted to iron out when you say there are a bunch of issues for us to go back and address, my understanding is that the three major issues that are giving people reservations right now -- and there may be other things, but nothing that can't be handled, you know, outside of this room with the Town staff and whoever else had the comments. The three major issues being the concern with the taxes being paid, the street numbering and then Lot 2 being unbuildable as it currently sits; is that correct?

JAMES MARTIN: I think you have hit the three major concerns.

JOHN NOWICKI: There are other issues besides that.

JAMES MARTIN: There are other technical issues if --

MR. LUCAS: But the technical issues are raise the basement elevation.

JAMES MARTIN: Filling in the flood plain, those types of things.

JOHN NOWICKI: There are environmental issues here that are sensitive to a lot of people. Some of the things that were brought up as far as the flood plains against that property are legitimate and it has to take be taken into consideration. I'm not thrilled with any of these issues. There are too many negatives on this thing right now. As far as I'm concerned, it is a no vote, for me.

DARIO MARCHIONI: I think he should have come for conceptual approval.

JOHN NOWICKI: Should have never got to prelim.

DARIO MARCHIONI: This way we would have given you most of this information, and you could have worked it out.

MR. LUCAS: I understand.

JAMES MARTIN: I think you have touched on the three major concerns, okay. Certainly we'll not put 75, 100 acres of farmland in jeopardy. Those are things that are not going to happen, okay?

So --

MR. MORRISON: There is no plans to change the drainage.

JAMES MARTIN: I understand what you're saying now, but are you going to be there 10 years from now or 15 years from now? Those are the concerns. We have to look at the future. We can't just dwell on the current. And so that is a concern, to carve this up the way it has been proposed.

KAREN COX: If we table it, the applicant understands our concerns, then it is his choice to either pursue it or not pursue it. And we have left the door open to pursue it with the knowledge that there are certain things that we're not comfortable with. So I would say, you know, with that in mind, I would be amenable to tabling it.

JAMES MARTIN: I would, too, because it is clear the three-lot subdivision will probably not fly. It has got too many negatives, as Mr. Nowicki has said. Tabling it gives you an opportunity to come back, you know, maybe with a clearer picture.

I will entertain a motion to table this at this point.

Dario Marchioni made a motion to table the application, and John Hellaby seconded the motion. The Board was unanimously in favor of the motion to table.

DECISION: Unanimously tabled by a vote of 6 yes to table for the following reason:

1. Section 96-4 of the Chili Town Code states:

"The Planning Board will be guided in its consideration of an application for the subdivision of land by the following general requirements; Land must be buildable and free of hazards. The physical characteristics of the land to be subdivided shall be such that it can be used for building purposes without danger to health and safety or peril from fire, flood or other menace. Proper provision shall be made for drainage, water supply, sewage and other needed improvements".

We do not believe that Lot 2 is a buildable lot. Furthermore, although a structure is illustrated for Lot 3 we question its viability as a buildable lot as well.

2. Application of DePaul Community Services, 1931 Buffalo Road, Rochester, New York 14624, property owner: Rochesters Cornerstone Group; for preliminary subdivision approval of three lots to be known as DePaul Westwood Group Homes at property located at 3313 Union Street in PRD zone.

Gary Smith was present to represent the application.

MR. SMITH: I have been asked by Chris (Karelus) to provide some additional information to help with the application. Gary Smith, Parrone Engineering, representing DePaul Community Services and Rochester's Cornerstone Group.

The proposal is to subdivide an existing parcel of land which abuts the west -- Westwood, DePaul's common side all of the way out to Union Street into three lots. Two smaller lots would be for residential use, group home, and then one remaining lot that comes all of the way out to Union -- will remain out to Union Street.

Basically we're doing two lots. It is a little bit over a half acre and just a little over three-quarters of an acre in size.

The intent is for DePaul to construct two homes on that site. What we're proposing on doing is there is some associated parking that goes along with staff and visitors and whatnot. We're proposing on putting that additional parking on Westwood Commons' site, to the rear of the Westwood Commons site with the driveway access for these two homes being through the existing driveway curb cut on Union Square Boulevard that is used for Westwood Commons.

The area is located in a PRD district. We meet all of the zoning requirements, as far as setbacks, side, rear, front. Access to water is on our side of the road. Just behind the sidewalk there is a 12-inch water main.

Sanitary sewer is located across the street, so we'll have to go underneath the road. Electric, gas is all located along Union Square Boulevard, so it's all available.

JAMES MARTIN: I think you saw -- did you see the comments from the Town Engineer?

MR. SMITH: Yes. We --

JAMES MARTIN: Can you comment on why we got that really weird shape?

MR. SMITH: The really weird shape is based on the request of the seller of the property.

JOHN NOWICKI: Who is the seller?

MR. SMITH: Rochester's Cornerstone Group. In other words, he wanted to square off the back of Westwood Commons because this would end up being -- if we brought this lot line back in here (indicating), there would be some useless spaces. That is the reason why it is the shape it is.

JOHN NOWICKI: You're saying Westwood Commons sends -- if this goes through this would own --

MR. SMITH: DePaul would own. DePaul would own all three. DePaul would own this (indicating) and this (indicating). They already have this (indicating).

So ingress/egress, we would provide an easement through here (indicating) that would have shared parking and ingress/egress to allow cross-lot access. There's an existing -- there will be an additional storm sewer discharge and for some drainage that we're picking up in here. That will require a cross-access easement to DePaul Westwood Commons.

JIM POWERS: Lot 3 also?

MR. SMITH: No, just the two. Lot 3 will still be under the ownership of Rochester's Cornerstone Group.

JIM POWERS: Any idea what their intention is in the future?

MR. SMITH: To sell it. They have no intentions of doing any development on it at this point in time.

JIM POWERS: Are you aware how many group homes there are in the North Chili area?

MR. SMITH: I have no idea.

JOHN NOWICKI: What's the question?

JAMES MARTIN: He is wondering what might happen with Lot 3.

JIM POWERS: Lot 3, if the intentions might be for Cornerstone, and then if he had any idea as to how many group homes are located in the North Chili area. I believe there are three or four already in existence in North Chili.

MR. SMITH: I don't know how many.

JOHN NOWICKI: Why is it necessary for -- Westwood Commons is going to own those homes --

MR. SMITH: DePaul will own the homes.

JOHN NOWICKI: Why -- okay. But DePaul, why do they have to have a two -- two and three -- two-lot subdivision? Why don't they just put it on the property they occupy?

MR. SMITH: They're considered two residential lots. We were instructed by the Code Enforcement Officer we would have to separate those into separate lots.

JOHN NOWICKI: If somewhere down the road they would like to sell them off.

MR. SMITH: Highly unlikely because the way these group homes are configured makes them virtually unsellable for residential use, per se.

JOHN NOWICKI: Nothing is impossible.

KAREN COX: Jim (Martin), your question about the number of group homes, is that -- are some of them not occupied now?

JIM POWERS: No. We have the one there across from the firehouse. I think there is one on possibly Hubbard.

AUDIENCE: Buffalo Road.

JIM POWERS: One on Buffalo Road.

JAMES MARTIN: Union Street.

JIM POWERS: Across from the firehouse.

I think there is one other in the North Chili area. We're kind of getting saturated with group homes. That is the reason I asked the question.

MR. SMITH: I'm unaware of the number. I know by State Law they're considered residential houses.

JAMES MARTIN: How many clients would you have per house?

MR. SMITH: I couldn't tell you that.

JOHN NOWICKI: Hasn't there been something in the past in regards to group homes where an inventory -- to look at a comparison to other towns or something along those lines, to see if you're getting more than your fair share? I thought there were some standards set up years ago.

MR. SMITH: I don't know.

JAMES MARTIN: I'm not aware of any, if there are.

You have explained why the odd shape. Okay. I can understand Cornerstone's desire to have that squared off.

Preliminary size of the houses that you would be building, square footage wise, if this goes through?

MR. SMITH: You know what, I don't know offhand.

KAREN COX: Is the developer here --

MR. SMITH: No.

KAREN COX: -- to answer those questions?

MR. SMITH: No.

KAREN COX: Why? He had to have known that we would have questions about things related to the building.

MR. SMITH: Here is the question, I guess. We're coming in for subdivision approval and not site plan approval, and being that we're coming in for subdivision approval and we're showing that these buildings of whatever size, they meet all of the zoning requirements...

JIM POWERS: Does this have to go in time back to the Town Board for any reason whatsoever?

MR. SMITH: Not to my knowledge, but --

JIM POWERS: Keith (O'Toole)? I'm trying to think back. There was a time when a group home made application that came through the Town Board --

MR. SMITH: A letter of need? A letter of need type thing?

JIM POWERS: Possibly.

MR. SMITH: I think that has been done with this site.

KEITH O'TOOLE: My understanding is that the Town Board has been advised. There is a notice requirement where the Town has an opportunity to identify alternative siting.

JIM POWERS: Does that still exist?

KEITH O'TOOLE: That is my understanding, yes.

JIM POWERS: That is what I think John (Nowicki) was getting at.

MR. SMITH: I think that's that been done, too.

JOHN NOWICKI: Where is the evidence of that?

DARIO MARCHIONI: Unless they object to this here, they would have to come up with an alternative location.

JOHN NOWICKI: We need to see evidence.

DARIO MARCHIONI: Somebody has to initiate that.

MR. SMITH: A letter was submitted to the Town. The Town Board -- if the failure to act within a certain number of days, and that -- that time frame, as far as what I have been informed, has passed. So unless the Town Board comes up with some alternative sites within a certain amount of time --

JOHN NOWICKI: Have we been notified of that action? Anybody?

MR. SMITH: Once again, we're here for subdivision approval.

DARIO MARCHIONI: I think this question comes in in some subdivisions where they want to put a group home, remodel an existing home, that creates a little hardship for -- if it does or it does not. The Town usually tries to accommodate for another location. Here we don't have that kind of impact.

JIM POWERS: I'm a little surprised that the Planning Board wasn't notified it had gone through the steps at the Town Board level.

JOHN NOWICKI: I am, too.

JAMES MARTIN: I have seen no correspondence from the Town Board regarding any submittal, all right.

MR. SMITH: Have you ever seen?

KEITH O'TOOLE: Generally that correspondence is not brought to the Planning Board.

CHRIS KARELUS: This project prior to -- DePaul Services had a certain allotment of group homes that were approved, okay? There was a notice sent to the Town. How the Town Board acted on this one, is they read it into the correspondence in one of their meetings recognizing that they had approached the Town about previously a group home and they will be bringing it in for subdivision approval.

To reiterate what Mr. Smith said, he is correct that the State Law mandates that the Town looks at these as single-family residences. So they have to provide that those lots are buildable, and their next steps are through the permit process with the Town's Building Department. This was brought to the Town Board and the correspondence was read into the Town Board meeting with respect to the steps they're taking tonight.

JAMES MARTIN: I know it's -- it is just so easy to segue into site plan issues when you're dealing with these types of applications, but we are here to deal with the subdivision as opposed

to any site plan issues, and I think we ought to refocus on that at this time.

JOHN NOWICKI: I'm not happy with what I'm seeing, not at all.

JAMES MARTIN: If this goes to that point, we'll deal with it.

DARIO MARCHIONI: You did say that you don't need any variances? These lots are large enough for the projects that you want to put on these?

MR. SMITH: Uh-huh.

DARIO MARCHIONI: So you're not going to come back here and say --

MR. SMITH: No. No.

CHRIS KARELUS: Just note to the Board with this subdivision, the cross-access is through the Westwood Commons parcel, and also I believe portions of shared parking, so filed easements and those types of assurances need to be provided to the Town prior to sign-off by the Town, before filing.

JOHN NOWICKI: I would ask you to consider one more thing here, because in your comments here you have hit one of the major items that I'm concerned about, and that is the Fire Marshal approval of the site plan. As far as how these buildings with the people in them, with the access, in an emergency. Because they're going to a parking lot that, in my opinion, would be restricted very severely to get fire equipment in and out of there. That is one of the issues I will be looking at down the road when this comes back.

MR. SMITH: I would just respond to that, as far as access to this site would be -- we have access along Union Square Boulevard because we're only 40-foot off the road as well as the loop through Westwood Commons. There is no access point. If there is any issue with one entrance, there is the north entrance. And the fact of going through the parking lot it's just a matter of -- we have the same thing at Westwood Commons, in order to get to the rear of that site, in any type of an emergency.

JOHN NOWICKI: Parking lots are parking lots.

JAMES MARTIN: We'll certainly expect Fire Marshal approval of this.

FRED TROTT: Not on subdivision, but like you were saying with parking, potential problems.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER, 82 Attridge Road

MS. NEDER: My one concern is that if this is approved without more information, that the Town is approving a pig in a poke. We don't know anything. We don't know the size of the house. We don't know what kind of clients they're going to be. They could be, um, recovering drug or alcohol addicts, which would not be a good thing to be putting next to a senior home.

Um, a lot of clients of these homes have anger management problems, which is not in my mind a good idea to have next to frail, elderly people who use that property for walking around and sitting on the front porch. And since there is so much available land back there, I can't understand why they have to jam two places so close to the senior assisted living.

My other concern is the ambulance service. We now have a senior apartment, and to my knowledge, the fire truck that has been back there twice, maybe more times because I have only seen it when it has come down Attridge Road to go back there. One was reported in the paper. The ambulance coming down before they opened up Union Square Boulevard from Union Street was a daily occurrence. Now maybe it's every other day. Future plans call for a nursing home in there. We have senior apartments in there, we have the assisted living in there, and now we're going to have two group homes in addition to the group home that is already on Union Street and the one just around the corner on Buffalo Road. This is putting a big burden on the ambulance and fire service in that area. That is something that has got to be thought about. They either have to contract with private ambulances -- the Town -- you can't service all these frail and elderly people in one location. It's asking too much of our services.

And I think you really need to know more about what is going in there before you approve the subdivision. There is a lot of land there. They could spread them out a little bit. They could move them away from the assisted living and it would be no problem.

Thank you.

JOHN NOWICKI: I agree with that. I think that the applicant, the owner should have been here tonight to have that information available to this Board.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I'm concerned about two issues that I feel have been neglected in this particular hearing. Number one deals with the Town. I think the Town should have notified the Planning Board very quickly. This would give the Planning Board an opportunity themselves as individuals to go out and look at the site prior to hearing it developed tonight.

Secondly, I'm concerned that the applicant is a little bit out of focus in the sense that he dismisses the Fire Marshal. He said we have two entrances coming into that particular area. But there may be other issues that a Fire Marshal would catch that might be very important to this issue.

Those are my thoughts and my concerns.

JAMES MARTIN: Thank you.

MR. BRIXNER: You're welcome.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I can only echo what Mr. Brixner and Mrs. Neder just said. You don't have enough information to do this tonight. You just don't have it. And this gentleman just seems to be kind of not up to speed on some of these things. I would think he would come in prepared to discuss some of these things. In the absence of the owner, somebody else should be here. I agree.

My mother-in-law lived at Westwood Commons for three years and it's a wonderful place, but I know the restrictions there. I know the problems there. Having had somebody there for that length of time, you know the problems. And parking at times can be a problem there with what they have for parking for the adult home. Never mind using it as an access point for two more places, and -- and probably I would think using part of that for their own parking for these adult homes. I can't believe that they're going to add enough parking and that the -- the people that work in the adult homes, the new homes will park where they're supposed to. I know where that will go. They will park at the closest place and they will take the parking that belongs to the residents and the families of the residents that live in Westwood Commons.

I also know that the residents of Westwood Commons are encouraged to walk. That means they walk on the sidewalks. They walk in the parking lot. They walk wherever they can take a walker or where somebody can push a wheelchair. This is totally unsafe to have that parking lot used as an access for a building next door.

And I agree 100 percent. There -- I don't know how many acres are left in that piece, but there is a lot of land there. There is absolutely no reason to cram this in so close.

And I will tell you another thing, the people in Westwood Commons, when they walk and they're out on the porch, they are very vulnerable to any of the actions by the people in these adult homes. They -- these people in these adult -- in these -- in the new homes could be very unpredictable in their behavior. They don't belong that close to Westwood Commons.

It is a wonderful facility. Let's give it some breathing room. Let's not crowd it out and give it a lot of impossible things to deal with. It has been a success. It is a success. It is a nice place. Let's not mess it up at this point.

Thank you.

STEVE GINOVSKY, 19 Hubbard Drive, North Chili

MR. GINOVSKY: Good evening. First of all, we don't have all of the information on the square footage of the buildings, of the structures. Also, on here, with access coming in, again, people are going to park where they want to park.

Also, on the same note, our volunteer ambulance corps. They only do transport right now. With that the case, if somebody comes in here and they have an ambulance come in, Chili is put at a great burden. It has to come all of the way from Chili Ambulance. That is the main ambulance hall, and that's the location.

I know for Union Street, at the group home there, they're there three, four times a week. Point blank, that's just the way it is. And it's -- it's over-burdening the taxpayers here in this Town.

The next part is, access, as you said, the parking lot there, it can be used as an entranceway. This past summer we had a fire over there across the street from this location. It was a mutual aid. It was like five -- four to five different fire departments getting in there. It was a porch that burnt, not only from the bottom, but all of the way up through the top. They couldn't even get the ladder trucks. Chili had to take their bucket truck, literally, arch it up -- they had -- got it all of the way up, as far as they could. They couldn't get it to the peak of the building. You're walking into another situation right here. With vehicles parked there, and God forbid you have a fire, and you have the -- and the -- the frail seniors over next door, and you're setting us up -- I have my doubts. I wouldn't put my mother there. Thank God she's in Brockport, right at the hospital.

And it's not a laughing matter. This is not really the best location.

Also, we do have another location over off of Westside Drive at Whittier Road, and also we have another facility that is going to be over there with the Presbyterian, with the Community Center in the back there. I think it's -- North Chili, and Chili in general, is being over-burdened by this, and we can't even get volunteers for the Fire Department or the ambulance corps. They are advertising right now at our main firehouse for help. They can't get it, and we're going to end up losing it. And I think -- I do not really believe this is in the best interest of this -- of our Town of Chili.

Thank you.

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: I just had a question for the Board regarding the dimensions of these lots. I notice they're over 20,000 square feet, and I was going to ask are these considered residential building lots? There is something in the code under Planned Residential Development District that is talking about lot size, minimum residential lot size 10,000 square feet; the maximum residential lot size shall be 20,000 square feet. Is that a problem here? Are these considered residential building lots? That was Section 115 --

JAMES MARTIN: I know.

MR. MILLER: Oh, okay.

JAMES MARTIN: I'm familiar with the section.

Chris (Karelus) had already mentioned, stated that they were considered residences.

JAMES MARTIN: Yes. They certainly are considered residential building lots.

KEITH O'TOOLE: If there are zoning concerns of a bulk nature, then certainly Code

Enforcement can direct the applicant to go to the Zoning Board of Appeals.

JAMES MARTIN: So that could require a variance.

MR. MILLER: Thank you.

JAMES MARTIN: When you carved out these parcels, all right, knowing there was a fair amount of land available from Lot 3, are we going down to financial issues on the cost of the property? Are you trying to save money by the cross easements for parking and access to the houses? What was the motivation for trying to cram these in as close as you have to Westwood Commons?

MR. SMITH: As far as cramming --

JAMES MARTIN: Poor choice of words. For the proximity to Westwood Commons.

MR. SMITH: All I would say is the fact that DePaul, being the owner of this parcel (indicating), wanted to purchase another parcel adjacent to something they already own. Rather than a parcel here -- they still maintain everything. Their maintenance crews maintained Westwood Commons. They would own these -- rather than have two lots here (indicating) or two lots up here (indicating), the fact that they can have shared maintenance costs and whatever else, if it is close by, is one of the considerations as --

JAMES MARTIN: I can understand that, but expansion to the east to put some sort of a buffer between your proposal and Westwood Commons is not out of the question. I mean you have a lot of available land in Lot 3 that could separate the two entities from each other, to put some sort of a physical barrier between the two facilities, or the three facilities, I should say.

MR. SMITH: Of course, that would also limit what was available to develop depending on where you decided to go, as far as the -- the person that owns Lot 3, Rochester's Cornerstone, now -- if I add on to Westwood Commons, I'm moving this way (indicating). If I stick a lot here (indicating), I'm stuck with a lot here (indicating) of a certain specific size, I can't necessarily --

JAMES MARTIN: I'm just saying if you were, you know -- the lot line you currently have, which you have a common boundary with your current Westwood Commons facility, if you were to expand the easterly lot line further east, so you maintain your -- the fact that you're right -- you know, you have a common border with the Westwood Commons, but now you have more space between the facilities that you're proposing to build.

MR. SMITH: You're saying move these here (indicating)?

JAMES MARTIN: Has that been considered?

MR. SMITH: The only issue would be cost, as far as what is the cost of the land.

JAMES MARTIN: Okay. So I'm getting back to there is financial considerations with your ability to do that. Okay.

KAREN COX: Well, is there? I'm just -- you know -- is it definitely an impossibility from a financial standpoint?

JOHN NOWICKI: That is why it would be nice if we had the owner here.

DARIO MARCHIONI: Yes. To deal with all these other issues.

KAREN COX: I can understand why the owner of the facility would like them in fairly close proximity, but I also share the concerns of the audience in that the two facilities service different clientele in that there should be maybe some more space in between them.

JAMES MARTIN: I don't disagree with some of the comments we have heard. Not understanding the nature of, you know, the clients that you're going to serve -- and I know, you know, that it can be an issue, but -- it can be dealt with, okay, from a staffing perspective. So -- but I just feel, again, it looks as though we're just trying to do too much in -- you know, in too little space to accommodate the proposal with the current subdivision the way you have got it proposed.

And I agree, I mean, if, you know, we had the owner here so we could get a better understanding of what other property might be available, and how this could be adjusted to put a buffer between the facilities would be very helpful to us.

MR. SMITH: How much buffer? I mean --

JOHN NOWICKI: That is not a question for us to answer at this point.

MR. SMITH: The question I have got is -- I'm here for subdivision approval. I got two lots that meet code requirements for single-family residence, which these are considered.

JOHN NOWICKI: They're not exactly single-family residences.

MR. SMITH: They're considered single-family residences by New York State Law.

JAMES MARTIN: You have to consider them to be that. I don't think we have an issue there.

You know, if you need a zoning variance, I mean, that -- if this were to go forward -- I -- to answer your question, how much of a buffer? I have some concerns, again, about the shared parking and some of those things that -- we're just going to have more traffic going in and out of the Westwood Commons area. I mean, I'm familiar with the site. I have gone over and looked at it. I know in warm weather there are people walking around Westwood Commons all of the time. Whether they would walk or in wheelchairs or what, just having more traffic flowing through that parking lot, it's a concern to me. It's a safety issue in my mind. We're dealing with relatively elderly people there that don't have the reflexes that younger people have, et cetera, et cetera. So I mean if there is a way that you could have physical separation, you know -- with -- you know, between the two, but still have your -- you know, your lot line, just moving to the east or something like that, we might be in a better position, but I mean that's -- you know, that's my feeling at this point.

We haven't really closed the public hearing. Are there other comments people would like to make?

DAVID NAGEL, 3311 Union Street

MR. NAGLE: I own the property at 3311 Union Street and 3309. I guess just to take -- this is the first that I have seen it. I haven't really had a chance to see the density in that. There are some concerns I would have obviously with the density, and also with just the concept of group homes. Group homes was something that we -- we were bringing into the community to disperse it in the community. But it seems the density is becoming -- is -- the concept of a group home was to bring it into the community, and I was not opposed when I had one put next to me on the -- immediately on my property on the south side. But now it seems I will have one immediately on the property on the north side, and I will have two. I don't know if the rest of the space will eventually be put into another one, because there is no -- you know what I mean?

I guess I'm sort of saying, the concept of it here is -- you know -- I know the State can basically -- they can treat it as residential and they can really override anything here anyways. But I'm looking at the concept, especially the density of it, do we want it -- the density in the community and the density from my particular aspect of it. I would just say I would like to look at it a little closer, who is going to be put in there. It's a little bit more than just we have, you know -- are there going to be ten people put in each home, or are there going to be 20 people? Or 30 people? You know, when -- when we're walking that sidewalk, will we have 30 people that may need help walking down that sidewalk, plus the other group home next to me, which is getting more and more a very commercial and very more a congested area, as things go on.

So my concern is more looking at it from a conceptual aspect of it, a -- is this what -- and like I said, I'm not saying no, I don't want it. But I'm saying, stepping back and saying is this conceptually consistent with the whole aspect of group homes at DePaul? And I would like to see what -- you know, what are they going to put there, what it means there, before I would say, yeah, I think we can accommodate another couple homes that are in that proximity to other homes.

Thank you.

JAMES MARTIN: Thank you.

DAVE MYER, 26 Pleasant View Drive

MR. MYER: Just a question about the wetlands that I believe are back in that area there. Is that going into the wetlands at all? Where is the --

MR. SMITH: Right here (indicating).

MR. MYER: Okay. So it is behind there. Okay.

Thank you.

JAMES MARTIN: Thank you.

James Martin made a motion to close the public hearing for this application, and Dario Marchioni seconded the motion.

The Board was unanimously in favor of the motion to close the public hearing.

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

JAMES MARTIN: I will entertain suggestions at this point from the Board as to where we go with this, given the fact that, you know, I think we have some holes in our information.

DARIO MARCHIONI: I think we should get more information, and also, the question comes up, these are residential lots. If they're residential lots, individual, they should sustain with their own infrastructure rather than borrowing on the next lot for parking and other facilities.

KAREN COX: Good point.

JOHN NOWICKI: It almost acts as if you're looking at a commercial project -- these are commercial ventures. This is not residential. It requires a different attitude when it comes to looking at something like this. And I have to agree with the audience and members of this Board, this is another application where we really need more information. We need -- because I think we're getting too many on one spot, as far as I'm concerned, and I have got some very, very bad feelings about safety issues, and I would rather see this thing tabled until there is more work done on this thing.

KEITH O'TOOLE: If I may, if the primary concern here is the access to the Westwood Commons site, one could just easily flip the driveways to the road, make it front-loading garages and be done with it.

JOHN NOWICKI: I want to know who is going in there. I want to know what --

KEITH O'TOOLE: We're not going there, John (Nowicki).

JOHN NOWICKI: Why not?

KEITH O'TOOLE: Because that ship has sailed. This is a residence. That is all it is.

JOHN NOWICKI: We can't ask what type of group home we're going to have here?

KEITH O'TOOLE: That's correct.

JOHN NOWICKI: What people are going to be treated?

KEITH O'TOOLE: Let's not go there.

JOHN NOWICKI: This is the community. This is Chili. The residents have a right to know. We have a right to know. I'm sorry, my friend. It is time we take our community back.

JAMES MARTIN: If, you know -- suggestion of Mr. O'Toole, that we eliminate all this

cross-access stuff?

MR. SMITH: What we would provide is driveway access here (indicating), but parking would be in the front, if that is a preference. I mean we could re-work something --

KEITH O'TOOLE: If I may add to that, one of the concerns that is often expressed about group homes when they're dropped in a middle of a subdivision, is because of all of the staffing, you tend to have a lot of parking. Unlike a house that has one or two cars, a group home will, in fact, have more than that. So the advantage of this layout, and I'm not saying it is right or wrong, but the advantage of this layout is that the overflow parking can pour into the Westwood Commons lot. Now, one could address that -- could do a hybrid. You could have front-loading off of the garages. You could provide parking access from their rear, as well, and if the concern is that some day down the road these group homes may be converted to a classic single-family house, then the improvements are already in place, and you can just eliminate the access from the rear. If that is the concern.

JAMES MARTIN: Clearly, it's a concern.

JOHN NOWICKI: It clearly is.

JAMES MARTIN: Other suggestions? Where do we want to go with this tonight?

KAREN COX: Can we table this so we can have some questions answered?

JAMES MARTIN: We have been given guidance by Counsel these are to be considered residential properties, okay? We can't go into the details of who will be serviced by these group homes.

JOHN NOWICKI: Is there something in writing on that? Is there a law that exists that tells me that?

KAREN COX: I'm not asking for who is being serviced by them. I understand we can't ask that.

JOHN NOWICKI: Why not?

KAREN COX: I have a question as to why -- whatever. I'm not going there.

What I'm asking is, we ask the question about moving the lot line further east and whether that would put an undue financial burden on the applicant. Well, the applicant is not here to answer that question, and that in my mind is subdivision related, so that is a question I would like answered.

So I would suggest tabling it to get that question answered.

MR. SMITH: Can I --

JAMES MARTIN: Yes. You can respond.

MR. SMITH: My question, Karen (Cox), then would be how big do you want the lot? How big do the lots have to be? If they meet the code requirement for a residential lot now, how much bigger do they have to be before the Board is satisfied?

DARIO MARCHIONI: The question is, if they're residential lots, how many parking lots will you put in these residential lots to accommodate the facility? In other words, if there are 30 cars in a single residential lot --

JOHN NOWICKI: Is there a standard for how many parking spots you need into these group homes?

CHRIS KARELUS: Residential lot?

JOHN NOWICKI: Group home on residential lot. Because we just expanded -- without coming before this Board -- over on Paul Road, a group home across from the school over there. They expanded that parking lot. And I didn't see them come into this Town about that. That is happening at these group homes all of the time. There are more cars being required. They're bringing buses in these places. You better be careful what you're doing on these group homes. I will tell you right now.

JAMES MARTIN: You know, based on the lot size, if you were to have street access rather than -- I mean, I -- I don't know if there would be room. I'm fairly familiar with group homes, having had a daughter who lives in one, and I know essentially what they do provide in the way of staff parking. Yes, they do have vans. All right. Some have one, some have two vans that service the home. And this could be for just ten residents, one of these facilities.

So off-street parking, not having a shared access to the Westwood Commons lot, all right, certainly would be an issue that would need to be addressed from a site plan perspective. Could it be done, couldn't it be done? If you were to expand to the east some -- and again, a site plan issue. I mean, you know, we talked about some sort of a buffer. You know, it probably wouldn't need to be a lot, but it could be some -- you know, some physical thing, you know, whether it is landscaping or something like that, that would, you know, allow some -- you know -- I know you have got something on there, but -- but it is still very close.

MR. SMITH: And the question I would ask then, if I do turn these around, we have the driveway access here (indicating). You still have the parking back here (indicating). So if the issue is the driving through, and -- and traffic, I still have the traffic.

JAMES MARTIN: Well --

DARIO MARCHIONI: Let me get this straight. You're saying you still need the parking --

MR. SMITH: The places are staffed 24/7, around the clock. There is staff there. So each building has its own staff that need to park in order to staff this. That is why this parking area (indicating) and this parking area here was set aside for that (indicating). I mean, I believe there are spaces in here (indicating) -- if I'm not mistaken, there is 8, probably another 7 in there, 14, 15 spaces. That we're providing additional spaces that aren't with Westwood Commons.

I know that staff doesn't -- staff for these houses isn't six or seven apiece. So, I'm sure that

during the day, maybe there is three or four apiece. That is eight spaces, if they drive.

JAMES MARTIN: Generally one overnight.

Other suggestion, because I feel that, you know, there has been some valid points raised, okay, that I -- you know, we just can't ignore at this point.

Do you have a suggestion, Jim (Powers)? Do you have a suggestion or anything?

JIM POWERS: I don't know whether or not he can move -- can you move Number 2 house, so to speak, back onto the common ground area?

MR. SMITH: Back to here (indicating)?

JIM POWERS: Off the lot that you're asking for.

MR. SMITH: Over here (indicating)?

JIM POWERS: Where Respite Common is. Can you move back to that way? And then --

MR. SMITH: I would say no. As directed by Code Enforcement, these have to be on separate lots. You can't have multiple buildings on one lot.

JAMES MARTIN: Yes.

JOHN NOWICKI: I think the information that was brought up tonight should go back to the owner for him to realize what he has to come back to this Board with. I still think we should table this until that owner, whoever that may be, Rochester's Cornerstone Group, takes this and sits down with their engineers and get the feeling of this Town and this Board and do something about it. Come back to this Board and -- just table the application.

I put a motion on the floor, table it until we get the right information.

DARIO MARCHIONI: I second it.

JOHN HELLABY: Does he need actual direction what additional information?

JOHN NOWICKI: He gets a copy of the minutes.

JAMES MARTIN: I will summarize the feelings of the Board in a letter going back to you so on the -- we have a motion that has been seconded.

The motion passed by a vote of 5 yes to 1 no (John Hellaby).

DECISION: Tabled by a vote of 5 yes to 1 no (John Hellaby voted no) for the following reason:

1. Concerns regarding the proximity of the proposed residences to the Westwood Commons Adult Care facility, with shared parking arrangements. Concern was expressed regarding the pedestrian safety of the Westwood Common residents.
2. A proposed site plan was given to the Board just before the public hearing. Given the nature of the project, site plan questions were raised by the Board in order to obtain a better integrated feel for the requested subdivision. The Board did not receive adequate answers to these questions that would have enabled them to make a decision on the subdivision proposal.
3. You are urged to bring a representative of the property owner who has the necessary information to answer the questions posed by the Board.
4. Please submit a redesign that references the comments made by the Board. Should you have any concerns as to these comments, please obtain a copy of the minutes from the Town Clerk to clarify same.

FOR DISCUSSION:

1. University of Rochester, 601 Elmwood Avenue, Box 278943, Rochester, New York 14642 for sketch plan review for a proposed 672 space parking lot at property located at 1420 Scottsville Road, and portions of 2577 Chili Avenue and 1413 Scottsville Road (area bordering 1420 Scottsville Road) in G.I. zone.

MR. JACKSON: Good evening. My name is Duncan Jackson. I'm with the MRB Group. With me tonight is Bill Clark from the University of Rochester. We are the engineers for the University. Just give you some background.

We were here on the 12th of June, just to give you some reminders. This is a G1 zone. This is a Logan's Party House (indicating). This is a photo of the area (indicating). This is the Logan's Party House here (indicating). They own this property (indicating), which is about 5.6 acres, and the areas we're talking about are three parcels. One is Logan's, one is Niagara Mohawk, and one is Rochester Gas & Electric. Together they comprise a little over nine acres.

The parking that we're proposing is 672 spaces, which will encompass the whole property. It is our intention to demolish Logan's in order to provide the parking that we need.

The operation will be five days a week, from 7 to 9. Excuse me. From 7 to 9, and 4 to 6. There will be shuttles that will come from the University to the off-site parking to bring people in or take people out.

When we develop the parcel, we'll have shelters on the parcel which will accommodate people who are waiting for pickup.

When the traffic study is -- when the overall traffic study is completed, um, there may or may not be a traffic light at this intersection where we exit -- we're going to maintain the same exit. The light will depend on if it meets the warrants.

We have met with the Department of Transportation, and they're going to require us to put in what would be called a refuge lane from 350 feet east of the property, or of the access, all of the way down to Paul Road. So it's pretty extensive improvements to Scottsville Road.

As I said, we met on June 12th to request permission to do this, and because it is not specifically enumerated in the zoning, in the G1 zone, you referred us to the Town Board.

We went to the Town Board on August 1st, representatives of the University of Rochester attended that meeting, and a proposal was made for incentive zoning. Two or three -- the proposals went back and forth between the Town and the University and they finally agreed to certain amenities and incentives. The incentives that we're requesting are parking in the front yard, which is preexisting, but it still needs to be requested. That would be along here (indicating).

A reduction in the 100-foot buffer against the G1 zone.

And parking running continuously for more than ten spaces.

Those are the incentives that we are requesting. The amenities that we're proposing is the landscape -- and these amenities have been agreed to with the Town Board, as you may or may not know.

We're proposing a landscape berm along the front, with a hard scape fence also along the front. And we have investigated -- they asked us to investigate -- there is a group of trees right over in here (indicating), to see if -- if any are worth saving. We had the horticulture gentleman from the University of Rochester look at the trees with us, and there were actually only three that he recommended saving. We will make every effort to do that.

The road improvements along Scottsville Road, again, with the amenities, the road improvements are estimated to be approximately \$500,000. As an additional amenity, the University has agreed to pay the Town \$33,000 a year over the payment -- over five years, which is the minimum for this parking lot. The maximum would be ten. And that -- that represents an increase of approximately 30 percent over what Logan's is paying right now for taxes.

At the request of the Town, we submitted two sketches, this one (indicating), which you're looking at now, which is what our proposal is, and the other one is what would happen if it was proposed to be developed in accordance with the zoning. We have shown a -- just arbitrarily, what meets the zoning, with all of the setbacks and so on. These parcels again are blank (indicating) because they're owned separately by Rochester Gas & Electric and Niagara Mohawk.

As you can see -- or as you saw from the original layout, Logan's does have parking over here now (indicating).

So our request is twofold. First, we're asking that the Board make a motion to -- that they have no objection to the Town Board being the lead agent for this -- for the SEQR process.

And the second is that the Board recommend to the Town Board that it permits this project move forward.

If you have questions, I would be happy to answer them.

JAMES MARTIN: Okay. Let me just clarify for everybody. Under our current code, Section 115-88, Section C, the Planning Board shall review the proposal and report to the Town Board with its evaluation of the adequacy with which the amenity incentives fit the site and how they relate to adjacent uses and structures. The Planning Board's review shall be limited to the planning, design and layout considerations involved with the project review or such other issues as may be specifically requested by the Town Board, which there are none. The Planning Board's report shall be submitted to the Town Board within 70 days from the date of the Planning Board meeting in which the proposal is first placed on the agenda. Okay. So that is essentially what we're here for tonight.

Do the suggested incentives and amenities lend themselves to the adequacy of the site plan as proposed that we're looking at tonight, so that, I hope, clarifies what we're here for to discuss as a result of this application tonight.

Question or clarification from Mr. O'Toole. I'm assuming the incentive zoning SEQR activity will be the purview of the Town Board; if this comes back as a proposed site plan, lead agency on site plan and those things would be the purview of the Planning Board?

Or is it already approved if the incentive zoning is approved by the Town Board as lead agency under SEQR?

KEITH O'TOOLE: The Town Board, since they would be issuing the first permit has to deal with SEQR in some fashion.

JAMES MARTIN: I can't hear you.

KEITH O'TOOLE: If it is a coordinated review, the Town Board could deal with it entirely themselves. I'm unclear as to whether it is a Type I action or an unlisted action. Perhaps Mr. Jackson has a comment on that.

MR. JACKSON: It is less than 1,000 spaces. It is less than ten acres.

KEITH O'TOOLE: So unlisted, it would appear. So we could do our own, if it came to that, that the Town Board didn't want to do it as a coordinated reviewed. But if you authorize them to be lead agency, that kind of hands it off to them such that they can do it all themselves, should they choose to do so.

JAMES MARTIN: So under advice of Counsel, should we recommend that, you know, as -- if this project moves forward from a site planning perspective, that it would be in the best interest for the Planning Board to maintain lead agency control over this from a site plan

perspective?

KEITH O'TOOLE: I don't see any advantage to holding on to it unless the Board feels the need.

JAMES MARTIN: Okay. All right. Just wanted to clarify that issue.

Okay. Questions or concerns?

JIM POWERS: We did have a few.

JAMES MARTIN: I mean we're talking about, basically are we in agreement with the incentives and amenities, and are there any other pertinent issues, because if this comes back to us as a site plan, we can address, you know, specific concerns, technical issues at that point in time.

JIM POWERS: Otherwise the incentive zoning and amenities that are shown here, the Town Board has said okey-dokey?

JAMES MARTIN: They have agreed to.

JIM POWERS: To that?

JAMES MARTIN: Yes.

JIM POWERS: That's it?

JAMES MARTIN: As I understand it, they have agreed to this proposal.

MR. JACKSON: That's correct.

JAMES MARTIN: Basically they're asking us, does their agreement, from the standpoint of the site plan itself, from a Planning Board perspective, are we comfortable, all right, with that proposal?

JIM POWERS: I'm not. I'm not.

JAMES MARTIN: That's the way I understand this to read.

JIM POWERS: Well, one thing, I noticed scattered throughout the parking area are spots for the handicapped to park. Is there any reason why you wouldn't designate one particular area in the parking area for handicapped alone?

MR. JACKSON: If you notice where the handicapped parking is, it is adjacent to the shelters, and that's why we put them there.

JIM POWERS: Well, in those parking areas that you do show with the handicapped in -- for example, right off the entrance into the site, there are any number of parking areas. Why couldn't you put more than one shelter in a particular area?

MR. JACKSON: There may be more shelters when we come back with the site plan. This is a concept sketch, and, you know, it depends on more discussion from the University as to how many shelters we actually put in there to serve their shuttles.

JOHN HELLABY: As far as the overall design, and I know this is just sketch plan, but just out of curiosity, interceptor type structures? I assume it will have to have some sort of drain. You won't sheet drain this into the river naturally.

MR. JACKSON: Presently there is a rather large culvert that comes down off the highway, down here and goes this way (indicating) into a swale which runs this way (indicating) along the trail. We have programmed -- we just kind of done a shotgun review of this, of the quantity, if you will, to provide two storm water management areas here (indicating). There will be conduits, catch basins and so on that take it off the site into these areas and then into the swale.

JOHN HELLABY: Is there a (inaudible) grease interceptor type situation to keep car oils and stuff out of those ponds?

MR. JACKSON: No, but this is going to be a Phase 2. These ponds will be designed for Phase 2, so there will be quality and quantity removals.

JOHN HELLABY: The other question is, once this thing is -- if it does get approved and is in place, how do you monitor? What type of security measures are put in place? What keeps just anybody from parking in this lot?

MR. JACKSON: We have talked about that in several different veins. One, we talked about putting an automatic gate here (indicating). That may happen. The problem with that is, if it malfunctions, you have got people on Scottsville Road waiting to get in.

Another way is to have stickers on the windows, like they do their parking lots anyway, and there will be security that will come through here periodically to check that.

JOHN HELLABY: The only other thing I got, and again, this is just a thought, that Mr. Evans had come up with some sort of easement agreement with Niagara Mohawk for access around the back of his building. Have you checked into that fact?

MR. JACKSON: I'm sorry, I didn't get that.

JOHN HELLABY: Mr. Evans who owns that bus garage thing in the front here.

MR. JACKSON: Here (indicating)?

JOHN HELLABY: I thought he had some sort of an agreement with --

JAMES MARTIN: It wasn't just driving. It was parking.

JOHN HELLABY: That is what I am saying. I think that is going to drastically impact your corner over there if he already has an agreement with those people.

MR. JACKSON: For parking where?

JOHN HELLABY: Right now you're showing this thing going all of the way up to the back corner of his building there.

MR. JACKSON: That's correct. I'm not aware of that, nor is the University, to my knowledge.

JOHN HELLABY: I will think he has something in place -- we discussed that.

MR. JACKSON: When we get a review of the abstract, that will show up, of course, and that will be part of the site plan review. But at this point, right now, we have -- Logan's has

permission to park on his property, and we are in the process of -- of -- our surveyors are out there now shooting the lines, get the elevations and the line so we can get permit from them for us to have an easement on there.

JOHN HELLABY: Just food for thought, because as that picture well indicates, he has that area back there that you're showing.

MR. JACKSON: Which area?

JOHN HELLABY: In the back corner where the bus is.

MR. JACKSON: (Indicating).

JOHN HELLABY: That's it.

MR. JACKSON: That's not his property -- that is not our property. This is -- this is the --

JOHN HELLABY: I beg to differ. That property line is right up against that building.

MR. JACKSON: This right here is the property line (indicating).

JOHN HELLABY: Right up against the building. You can see where --

DARIO MARCHIONI: Loading docks, too.

MR. JACKSON: Well, these (indicating).

JOHN HELLABY: That existing property line, you see where that building is cut off? That line goes right through there. That is on the right-of-way (indicating).

MR. JACKSON: So he is on somebody else's property?

JOHN HELLABY: I think he has an agreement.

MR. JACKSON: That will show up in the abstract, and we will certainly consider that when we do our site plan.

JAMES MARTIN: When we heard applications from them before, I remember him telling us he had some sort of easement agreement to park buses on that property.

MR. JACKSON: I have not seen anything black and white on that, so we'll definitely check that out.

Thank you.

JOHN NOWICKI: Duncan (Jackson), any security cameras being proposed?

MR. JACKSON: Yes. There will be -- we have talked about that again. There will be security cameras. The lights will be on -- there will be lights in the parking lot. They will be on timers. We haven't decided as to, you know -- we think it is going to be from 8 to 5 or 7 to -- 7 to 6, kind of in that area.

JOHN NOWICKI: This will be active 24/7, right?

MR. JACKSON: At this point.

MR. CLARK: The plan is --

JAMES MARTIN: Name and address?

MR. CLARK: Bill Clark, University of Rochester.

The plan is for it to be used by staff and students at the med center, which is primarily a daytime use. Evening shifts, they park in the garage at the medical center.

JOHN NOWICKI: Have you found a formula to determine how many handicapped spaces you need?

MR. JACKSON: It's in accordance -- the way -- the way we have them laid out, it's in accordance with the handicapped regs.

JOHN NOWICKI: Existing codes?

MR. JACKSON: Yes. And when we get the site plan, that will all come out.

JOHN NOWICKI: Any restroom facilities planned for the site?

MR. JACKSON: No.

JOHN NOWICKI: Snow removal, any plan for how that is going to be achieved?

MR. JACKSON: Two ways to do that. We can push it into the area around the side. We can push it into the pond or truck it out, if it is real heavy.

JOHN NOWICKI: What about the use of salt in there, and will the salt be directed to the ponds, the holding ponds?

MR. JACKSON: All of the drainage goes to the ponds.

JOHN NOWICKI: No impact on the river?

MR. JACKSON: No.

JOHN NOWICKI: Fencing being considered, either -- either aesthetically or for security reasons?

MR. JACKSON: Just along the front, as you requested -- one of the Town Board requests was a hard scape fence along here. We have not considered fencing anyplace else.

JOHN NOWICKI: That was one last --

MR. JACKSON: That is a part of the site plan, when we do it.

JOHN NOWICKI: Scottsville Road has been noted for security problems. Breaking into cars, trucks and so on and so forth. So security will be a big issue.

MR. JACKSON: We know. We understand that, and, you know, with the cameras and the periodic visits by the security people, we hope that will -- I mean, you're never going to stop it completely. I understand.

DARIO MARCHIONI: You don't need a signal light there at all? In other words, can I get just a picture how many cars would be leaving all at once out of this parking lot, or it is a continuous flow in and out? Is there a peak time? I know we can ask these on the site plan, but just to get an idea.

MR. JACKSON: At this point right now we're in the process of doing a traffic study right now that will consider that. As I said, the traffic study -- we did a minor traffic study when we started looking at this site and it didn't show the need for a traffic light here. Now, when we

finish with the comprehensive study, and get all of the information we need about where people are coming from and how often they're coming and so on, we may need a traffic light. We have talked to the DOT about that. In fact, we met with the DOT again about two weeks ago, I guess, just to make sure everybody was on board with what we had to do here. And this is -- this is the plan.

BILL STEIMER: The only comments we had should probably be addressed in the site plan, just around the adequacy of the ponds and if they should be sequenced versus independent and how the pond is going to be handled, but that should come up at site plan.

FRED TROTT: Yes. We had just a couple of things. With the line of sight being available with the -- with the speed of the cars, as far as when the traffic study is done. It just seems as though people don't do the speed limit on Scottsville Road. And just put that into consideration when you do the line of sight. We're wondering if you're going to have a good sight distance there for left-turners.

Also, our Committee feels that a signal light would be definitely beneficial for that area, considering that if cars -- people are being dropped off on the buses, 40 people being -- going to be at that intersection approximately right there at the same time.

Also, there is only one entrance point into this facility. Is there consideration for an emergency exit kind of like what we did at the Presbyterian Home? We had like, now he -- a not -- an entryway for emergency equipment to get in, but not a regular entrance.

JAMES MARTIN: Thank you.

Given what I believe our objective is, and given the presentation on the sketch plan, I guess at this point, I would certainly make a motion that the Planning Board considers the list of incentives and amenity to be conducive, all right, to the proposed project and that I would then put that in the form of a written response to the Town Board. The next action would be, you know, under their purview on this particular project.

So on that motion, do I have a second?

DARIO MARCHIONI: Second.

The Board was unanimously in favor of the motion.

JAMES MARTIN: We have been asked to also include in the correspondence to the Town Board recommendation that they assume lead agency responsibility as part of their incentive zoning discussion, and eventual action.

I will make a motion that I will include that in my letter, recommend to the Town Board that they assume lead agency responsibility for that.

JOHN NOWICKI: Second that.

The Board was unanimously in favor of the motion.

DECISION: The Planning Board has reviewed the sketch plan for the proposed off-site parking lot on Scottsville Road to be built by the University of Rochester. The Board also reviewed the amenities/incentives package as it relates to this site. The Board finds that the amenities/incentives package is adequate as it relates to all aspects of the proposed project. The applicant also requested that the Planning Board recommend that the Town Board become Lead Agency for the SEQR review. That Planning Board approved that request.

JOHN HELLABY: Mr. Chairman, before you recess, might I request to be allowed to step down on the next application, as I am employed by the present landowner?

JAMES MARTIN: I would certainly allow you to step down. I request you remain present for the meeting.

There was a recess in the meeting.

2. Target Corporation, c/o Fix Spindelman Brovitz & Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450 for conceptual review for proposal 133,055 sq. ft. retail store at property located at 3175 Chili Avenue in G.B. zone.

Betsy Brugg, John Morris and Steve Aldredge (phonetic) were present to represent the application.

MS. BRUGG: Thank you very much, Mr. Chairman, members of the Planning Board. Good evening. It's a pleasure to be here tonight on this application for informal discussion, concept review in connection with a proposed 133,055 square foot Target store proposed to be on the south side of Chili Ave. and Paul Road in the Wegmans Plaza.

I'm going to start by -- well, let me introduce our team tonight. In addition to myself, John Morris from Carmina & Wood, the engineers on the project, is here tonight to discuss the site plan; and Steve Aldredge, our traffic engineer from FRA Engineering to talk about the traffic study submitted. I know traffic is a big issue and priority here in the Town.

The site itself, I guess, needs a little bit of background. Several months ago the Town Board requested that Wegmans discuss the possibility of a Target at this location. They formally requested that Wegmans ask Target to look at this location, and I think that is instrumental to

how we got here tonight.

As you may or may not recall, there has been several development projects in the center of Town, in this area that have incorporated and included a Target that have never reached fruition. So this is really the third site, I believe, that Target is looking at, and they are excited about the possibility of locating here next to Wegmans.

As far as the approval process, again, this is our first opportunity to appear before this Board. We're here to present the project to you, to take back feedback from the Board in connection with the proposed plan.

In addition to this Board, and the approvals that are required from this Board, we most likely will be at the Zoning Board in connection with the area variances for the number of parking spaces. There is enough parking space -- there aren't enough spaces in the plaza as a whole. We are looking at this as an integrated plaza, as a whole plaza, but we're subdividing out the Target portion. The variance will be required in connection with that, and with the size of the proposed free-standing sign.

Um, as far as Target itself, I believe most of you most likely have been in a Target. Target is a leading national retailer. They sell everything from pharmaceuticals to clothing and household items and toys and you name it, if you have been in a Target. It's a pretty full service type upscale retailer.

They will create approximately 150 to 200 new jobs in the Town, of which 25 percent of the jobs are typically full-time positions. They usually have approximately 50 employees, maybe a few less, few more at peak times in the store. Their operational hours are consistent across the board. Always 8:00 a.m. to 10:00 p.m., Monday through Saturday and 8:00 a.m. to 9:00 p.m. on Sundays with the exception, of course, of holiday time, they have a little bit longer hours.

On that note, that being a little bit of an overview of the operation, I'm going to defer to John Morris to talk about the site plan, introduce you to the site plan and the architecture. John (Morris)?

MR. MORRIS: Thank you. My name is John Morris. I'm a principal with Carmina & Wood. We're serving as the civil engineers, the site planners for this project.

Start with the overall site plan. The Wegmans store is here (indicating). This current development with the parking lot out front and this roadway coming in from Paul and back up here (indicating), this -- this sloped driveway entrance down into the Wegmans is the existing conditions. This is blocked off now. It says "road closed."

The parcel that we're looking at developing is a continuation of the plaza that reaches out beyond Wegmans and building adjacent to that with the new store here (indicating), and developing this vacant land at the end of this roadway for the parking for the store.

The site was conceived of and planned to have this eventual build-out. All of the site utilities are available for this build-out, and we're just continuing that as planned and tapping into those utilities where they were planned to be connected.

The plan here is a blowup of just the Target area. This is the 11.67-acre site of the Target, which is a subdivision of the entire parcel that Wegmans owns.

That area is blown up here in this landscape plan so you can see a little better where the store is, how the parking is configured and what sort of landscaping is proposed here.

Steve Aldredge will talk a little bit more about the traffic, but one of the things to note is the existing driveway in and off the site, off of Chili Avenue is being widened. Additional lane is -- additional egress lane is being added. We're moving that pavement over and proposing a retaining wall in here (indicating) to widen that driveway so we can get some additional stacking for cars exiting the site.

What you see here (indicating), this designation for the trees are all of the existing trees. The darker green are the new trees. So we're proposing quite a few new trees on the site, including trees on the islands in the parking area and along the front of the building.

And where there -- along the driveway here (indicating), where there is a couple of trees that have died, we're going back and filling in and replacing those to keep that row of trees on both sides of the driveway and maintaining the trees around this center circulation drive coming to the site (indicating).

As part of this expansion (indicating), we're including a pedestrian sidewalk from Chili Avenue down onto the side with crosswalks that lead down this end center median right to the front door of Target, and to the plaza and the canopy extension leading to the store fronts of Wegmans, as well, so there will be pedestrian access from Chili Avenue.

The architecture of the building has been modified. The Target store, their new prototype store has been modified in conversations with the Town. There was a request to face the building with brick and trying to match the brick of the Wegmans. The actual brick that Wegmans was built with is no longer available, but we found a brick that is close to that, and these renderings here of the front of the building, I have tried to show what we're doing, matching that brick, matching the core building detail from the Wegmans store, adding pilasters in, pulling the brick column out in front of the building to hold up the canopy over the front door, all in an effort to try to tie the building in with the Wegmans and make it one consistent retail development. We have added a lot of landscaping along the front of the building to soften that wall of the building. As you come back down here (indicating), away from the end, there is some landscaping down here (indicating) that will screen the cart storage, the on-site cart storage, which is in this area here (indicating).

All of the service for the site, the shipping and the delivering all happens out behind the site, as it does for Wegmans. None of that traffic will interfere with the pedestrian circulation out

front.

The other drawing we have got here, there was some conversation about sight lines to the site and what you would see from the road. What we have done is we have modeled -- based on the grading plan, we have modeled a section through the site. This is Chili Avenue up here (indicating), and you can -- if -- if -- you know the site, but as you drive down into the site to get to Wegmans, this is the hill (indicating) with the trees on it coming down into the site. If a person, a six-foot or five and -- five, six-foot person is standing here at Chili Avenue (indicating), the line of sight down across the parapet wall of the front of the building, which is this parapet here (indicating) -- it is actually higher in the middle -- but the lower parapet wall, the line of sight of what you would see -- you actually won't see the roof of the building from Chili Avenue. Somewhere at about 980 feet, you start to see the top of a few rooftop units. That was a question brought up, what sort of sight lines, what you would see from Chili Avenue, looking down into the site, given the height of the facades of the building. We have adjusted those parapet wall heights to screen the views of the rooftop, because there will be rooftop equipment on the top of the roof for the HVAC systems for the building.

Um, Steve Aldredge can talk a little bit about the traffic study that we have done, and speak to those issues.

MR. ALDREDGE: Um, we have completed a pretty detailed traffic impact study. We have submitted that to the Town of Chili. We have coordinated with both the New York State DOT and Monroe County DOT. We did a fair amount of traffic counts both on a weekday, evening peak hour and on Saturday, and we looked at, you know, a fair amount of intersections both on Chili Avenue and on Paul Road, and we have gone through quite a lot of analysis, which is detailed in our traffic study. And we have really looked at, um, you know, the impacts of how traffic can operate, not just at the site drives, at the shopping center, but also at a couple other adjacent intersections, and we have tried to develop some improvements that we think can -- can make this shopping center and -- and the signals on Chili Avenue and -- and some of the other -- the other locations work -- work well. Um, and our traffic study really details some improvements that we think can work well.

Now, on this site plan, um, this shows some of the improvements which I think here is one -- is one of the key ones (indicating). Um, it doesn't show it -- I think on the -- the current -- the current, um, plan right now, really has just two -- two lanes leaving the existing shopping center, and what we're proposing is the addition of -- of a second approach lane leaving the existing Wegmans driveway. But what we're also proposing is extending the storage lane to a total of about 250 feet stretching down from the stop bar, which is a considerable distance. And what is really, I think, significant here is that that includes a right-turn lane, which will allow the right turning vehicles to be able to slide on through.

In addition, the other thing that we're looking at, and right now we're -- we have been working with Wegmans to try to come up with some improvements at the Paul Road driveway. Um, and we're looking at possible -- possible improvements to widen the -- the Paul Road driveway to -- to improve that driveway to have a two-lane -- a two-lane -- a two-lane approach, so instead of just having a one-lane exit, we can have both a left-turn lane and a right-turn lane so that as vehicles are -- are -- are approaching Paul -- Paul Road, right -- right turns can get by left turns as they're sitting there, because -- because for most of the traffic that is leaving that driveway, most of that traffic is right turns, and they often get stuck behind the left turns that are trying to get out of that driveway. We think by having a two-lane approach, what we found is that a lot of traffic gets stuck behind the left turning traffic and by having a two-lane approach, the right turns that aren't delayed by the -- you know, nearly as much, they will be able to slide on through.

So we have looked at a lot of those kind of issues, which is detailed in our traffic study, and -- and we have essentially, you know, done our analysis and all of that is presented in quite a lot of detail.

MS. BRUGG: Do you have questions for us?

JAMES MARTIN: Yes.

MS. BRUGG: We can keep going, if you would like.

JAMES MARTIN: I will start on the traffic issues because I think that is probably where most of our mitigation efforts are going to lie here.

A question, you know, when you did this study -- your projections went through the year 2009, which is essentially the targeted open date for the Target. No pun intended there. I guess I'm concerned a little bit about the duration of those projections, all right, from the standpoint of other proposals that we're faced with that are going to impact this particular area of the Town.

At the Town Board meeting Wednesday night, Benderson Development has put a contract on the table with the Town for evaluation concerning the old Town Hall site which encompasses the Department of Public Works, the Court, Senior Center, and there is a park associated with that. I don't have any information as to what, you know, they would be proposing to put in there from a commercial development standpoint, but, you know, typical Benderson proposals are usually anchored by some sort of big box with other axillary small retail activities or restaurants or those types of things. So that is on the table formally at this point.

There is also another proposal floating around for the now defunct proposed site on Paul Road, you know, that North American Properties had presented a while back. That -- there could be some commercial activity associated with that particular piece of property also.

So given that, you know, your study which, you know, I have been through, talks about the Wegmans, the Target and the Walgreens proposal as, you know, impacting, we have got those

other things that we have got to think about as far as this Town is concerned, and I -- you know, I just feel that just going through 2009 isn't going to really help us totally understand what the impact of all of this is going to be. I mean, we could end up with significant, significant traffic problems on Chili Avenue and Paul Road.

I think somehow, somewhere, we're going to need some sort of coordinated approach to this with the Town, the State, the County, the -- you know, yourselves, the applicant, to take a look at this to see if, you know, what has been done to date is adequate to meet what may be happening in the future, as far as the traffic flow in this particular area.

Um, that is obviously a major concern. And I, you know -- some of your levels of service, even with some of the mitigation you propose, there is still some degradation of level of service at some of these intersections. And, you know, it -- it probably -- you know, Saturday peak is one thing, but Saturday peak on December 22nd is probably going to be something else, okay? Those of us that shop at Wegmans on a routine basis know that on a weekend, you can get significant queuing down that hill around the corner, coming up straight to that intersection where your road is now going to enter into the Target parking lot.

I'm concerned about people wanting to turn left out of the Target parking lot up that hill with the queuing that goes on there. That is just other concern that I think needs to be addressed from the standpoint of the internal movement of traffic within the property itself.

So, you know, I guess -- you know, what I am trying to say, that is going to probably be one of the primary concerns as this project moves forward, how are we going to move forward with some of these issues.

You know, there are some other comments, you know, from Fire Marshal comments about parking on the west side of the building, you know, that -- that needs to be addressed.

MS. BRUGG: That has been addressed.

MR. MORRIS: That has been moved.

JAMES MARTIN: That's fine.

The other typical issues we have to deal with on signage and those types of things, but, you know, I just -- I will go to the rest of the Board for issues and concerns, but I -- you know, I think I have clearly expressed, you know, what I feel is -- is perhaps maybe an inadequate study because we terminated it in 2009, knowing this other stuff may be coming at us. Okay?

JIM POWERS: Well, as long as we're talking about traffic, could you show me how the internal traffic would work, for example, trucks coming into Target?

MR. MORRIS: They would follow the same path that Wegmans trucks do now. They come in from Paul Road and around back here (indicating) into this service area (indicating). They would turn around and come back out.

JIM POWERS: Is that where your dock areas would be on that side?

MR. MORRIS: Yes.

JOHN NOWICKI: You have access agreements?

MR. MORRIS: Yes.

JIM POWERS: So no truck traffic going in --

MR. MORRIS: No truck traffic out front here at all. No.

JIM POWERS: This might be getting ahead of the ball game a little bit. But the -- you're going to be probably, what, about 100 feet from the back of the building to that retention pond? Maybe? Um, is --

MR. MORRIS: Yes. It's about that.

JIM POWERS: Is that detention pond going to be able to cope with all of the drainage coming off that parking area?

MR. MORRIS: Yes. We have a notice of intent into the DEC now and we're working with them. This detention pond is being restructured and rebuilt to handle the -- all of the DEC requirements for the storm water, for the whole site, yes. It's part of the project.

KAREN COX: Um, well, Jim (Powers), you stole my thunder.

JAMES MARTIN: Sorry.

KAREN COX: No. This Jim (Powers) here (indicating).

I would -- Jim (Powers) really stated the -- the concerns that I had with the traffic, but also I would like to say that I'm happy to see this coming to Chili.

JOHN NOWICKI: I would like to support that point also, because the site issues that were previously brought up, you have addressed those nicely.

The architectural treatment of the building and all that has been handled very nicely at this point, and I think the issues that Jim (Powers) brought up will probably be done in the same way, very professionally, everything up front, and we'll get a great project out of this.

I know a lot of women in Town that will be happy to see Target.

JAMES MARTIN: Yes. I will second that. I mean, you know, we did have some conversations around the architecture. We had some conversations around some of the other issues, and I applaud Target and the engineering firm that is dealing, you know, as kind of intermediary on this, that they have been extremely responsive to things that we have already discussed, you know, in the DRC meeting, and so -- from that standpoint, again, kudos to everybody involved in that. It was done extremely well.

DARIO MARCHIONI: I want to echo what you said, Jim (Powers). Right off the start, Target has showed tremendous cooperation with us. So that is a good sign.

As far as the architectural, you did make some changes that we suggested. You know, the brick, brick coming down the front a little bit. That was very commendable on your part.

I think we're going to proceed very well with this.

JAMES MARTIN: I know based on some of the conversations we have had that the -- the Target would include a Starbucks coffee shop inside, I believe, is what was originally told to us, and I think there is a Pizza Express or something like that that is part of the Target store itself. I have been in a Target that has that configuration. I think the Starbucks works fairly nicely.

JOHN NOWICKI: Is that true about Starbucks?

MS. BRUGG: I haven't confirmed that, but I believe that is my understanding, as well.

JAMES MARTIN: That was our understanding, okay, some of the initial conversations we had that, you know, the husband goes and has a cup of coffee, and the wife pushes the cart around.

MS. BRUGG: They're definitely is a -- some type of food service. I believe I have also heard it was Starbucks --

DARIO MARCHIONI: We don't need more pizzerias in Chili.

KAREN COX: Maybe this will be gourmet.

MR. ALDREDGE: I have a question about the traffic study. In terms of the nine-year, that is the development build year, if I am correct, so that is the appropriate analysis year for a traffic study, based on what we have scoped out with New York State DOT and Monroe County DOT. That is typically the way that we do traffic studies, but I think in terms of the projects that we typically include in a traffic study, it sounds like there may be new projects that have since come on your -- your --

JAMES MARTIN: Radar scope.

MR. ALDREDGE: -- your radar scope that when we started making our phone calls to do our traffic study may not have been -- may not have been there. So I mean when we first started this study, I think Walgreens was the only project that -- that was really -- that we -- that when -- when we made our phone calls was considered background development projects.

JAMES MARTIN: That is probably a true statement at the time you started this study. And yes, these have been subsequent to that. But, you know, they're a pretty bright blip on the radar scope at this point and we can't ignore it.

MR. ALDREDGE: Right. But I think going beyond the 2009 development year, I think would be hard for us to do, because our project will be in the ground by 2009, and we need to look at our impact from opening day, because that really is our -- you know, the -- that's -- that's the test of a traffic impact study, to say what is the impact on our opening day. So if a project -- if another project is not built, that would be their test the following year. So if they're not in the ground yet, that's a project that we don't necessarily have to test against.

JAMES MARTIN: I understand. But I -- but as I said before, you know, somehow -- and Mr. Karelus can comment on this further, that, you know, we're going to need to look at this in some sort of coordinated fashion because it's going to impact Target. I mean if people can't get to the store, you know, they're not going to be happy with their financial results. So, you know, that's what I think I'm trying to point out.

MS. BRUGG: I think we all understand traffic is a high priority issue with this Board and we will certainly look into whatever needs to be evaluated and addressed, and we'll be in contact with the staff of the Town in terms of what needs to be done and we'll move forward with it.

JAMES MARTIN: Okay. Thank you.

JOHN NOWICKI: There may be some other studies going on.

JAMES MARTIN: There possibly could be.

MS. BRUGG: We'll check and see what the status is of any formal applications that might be pending.

JAMES MARTIN: What I have been told is I think, you know, normally State will look out 20 years on a normal --

KAREN COX: ETC plus 25.

JAMES MARTIN: As far as what you're proposing here, from a site plan perspective, landscaping, you know, is -- I was basically going to say it has to be equal to or better than what is there. It looks like that has been accomplished from the standpoint of what I am seeing. The architectural certainly has come a long ways from what was presented originally. So overall, you know, the site -- the siting thing is something we asked for, and it looks as though that is not going to be a major issue. Although, you know, we're going to still want probably some method of at least masking the rooftop units as much as possible. If you look at the Wegmans' roof, for instance, they painted them black against a black roof and you just don't see them. Okay?

MR. MORRIS: Target said they would paint them to match the same corner of this cornice, so they blend in with the -- with the -- with what you see as the cornice of the building.

JAMES MARTIN: So those types of things. Okay.

DARIO MARCHIONI: I just want to -- since we're dealing with traffic, in the future, would it be inappropriate for me to question -- you say they're going to put some improvements in front of the bank, the other entrance to the Wegmans, for the Wegmans -- for the trucking here.

MR. MORRIS: Here (indicating)?

DARIO MARCHIONI: Will you make improvements there?

JAMES MARTIN: Possibly.

MS. BRUGG: Talking about the Paul Road, the addition of the right turn --

DARIO MARCHIONI: You will still put another lane there.

MS. BRUGG: Well, the intent is -- we're working with Wegmans to improve the conditions at that exit onto Paul Road so that the wait time for vehicles waiting to empty out onto Paul Road is shorter to address the issues that are raised in the traffic study. This is still a

work-in-progress, I have to say. I think this plan is even a little different than the plan you last saw because there was a building where we didn't realize quite where it was. We're here for concept. We feel that --

DARIO MARCHIONI: I just want to bring out a point, that entrance is going to be a key factor for any future development further south, and there was some talk about some -- that -- to use that entrance, it's a continuous road to Beaver Road some day, where bringing the traffic -- alleviate a lot of traffic from Paul Road and Archer Road. I don't know if I should even say that, but --

JAMES MARTIN: That's something that's -- you know, from a longer range planning perspective that the Town needs to deal with. We won't deal with that tonight.

DARIO MARCHIONI: I'm saying any improvements there, that is made on that road -- if a view of the future could be --

JAMES MARTIN: I think what Betsy (Brugg) is saying, you know, Target and Wegmans are having discussions on what is the most appropriate action to take to insure that we have not a significant reduction in the level of service at that intersection.

MS. BRUGG: Correct. And, again, we're here on a concept. This is -- you know, we will take the comments back. One of the reasons we're here is to take back your feedback. We have heard loud and clear traffic is a big issue for this site. Hopefully -- aside from traffic, hopefully the Board is pleased with the changes made to the building, the site design, the landscaping. We can address, you know, storm water. I think we have got all of the big issues addressed and moving in the right direction. We're going to concentrate on the things that need to be addressed, like traffic, and hopefully put together a package that we can submit for approval in the near future.

JAMES MARTIN: I don't want you to misconstrue that we're giving you site plan approval.

MS. BRUGG: No. Correct.

MR. ALDREDGE: We understand.

MS. BRUGG: Hopefully we're moving in the right direction so we can put together a -- you know, we're trying to do as much of the work up front to submit a package that, you know, will look good when we appear for preliminary.

CHRIS KARELUS: I think the big thing tonight, my recommendation to the Board is to again reiterate this is a sketch plan review. That the building, the architecture of the building, the specifics to the building as well as specifics to the site's function, utility, grading, everything of those specifics will be dealt with at preliminary next stage. So we're actually looking at -- let's step away from the right-of-way work at this point -- how this lays out and relates to the code. I think what I can ask the owners is at the next stage of your approvals, come with some type of clarity on what other uses are going to associate themselves with this Target store. Because those are going to be in addition to what have already analyzed as traffic generators for what we have looked at for that corridor.

Also, Mr. Bloser, our Chairman to our Zoning Board, is here. This project will be requiring variances. The Town will be directing you how we'll coordinate both Boards on this project's next stages, and, we're looking forward -- as we just got the traffic report last week, um, you know, we're still under the preview process here.

So, you know, the Town is encouraged to take the lead on trying to find what is the best solution for us and the Target folks with this type of proposal and the situations the Town has with respect to traffic and so on. Further review of that study, the traffic recommendation, traffic mitigation proposals, the Town will be working with the applicant and the State and the County to make sure we find the best fit.

Also, just a question with respect to trash, the receptacles, the disposals and enclosures, those will all be situated off the back of the building that --

MR. MORRIS: Actually, what Target does, they have compactors and all their trash is handled inside the building. There is no trash outside the building. There is a cardboard recycling container. But all of that is inside the back -- it is the back corner of the building.

CHRIS KARELUS: That is going to be disposals from food-related reuses that could be associated with it, as well?

MR. MORRIS: Yes.

CHRIS KARELUS: Won't pose any type of issue?

MR. MORRIS: All internally stored.

CHRIS KARELUS: I think they have addressed already. One of the Fire Marshal's main concerns is that we have almost direct access around the plaza space, that with this being in addition to the plaza, it's neglected. Outdoor storage of carts was initially discussed. Building Department will recommend those happen within an enclosure. Doesn't have to be a weathered -- you know, heated all year round, but since it is subject to the elements here, I understood from the applicants that will be overflow for seasonal type storage. We'll recommend that is still within an enclosure.

Just a lot of maintenance issues will come into play, but I understood from them that screening as well as some type of just -- that type of this part of the building will be associated with that outdoor storage, and I also understood that will not be viewable to the public. I just wanted to make that point also tonight. We'll be looking forward to working with the applicants to find a best fit.

JAMES MARTIN: Thank you for reminding me. Paul (Bloser) came in a little bit late when I made introductions before, but Paul Bloser, Chairman of the Zoning Board, is here

tonight. I just want to recognize that fact.

CHRIS KARELUS: One last thing, if I could. And I don't know if I said this before, but also the site signage will be something that is reviewed. Again through coordination or how that be determined, we will work with the Zoning Board Chairman to determine a review schedule with the applicants. Okay?

DAVID LINDSAY: I think you have already touched on my concern regarding traffic, so I don't have anything further to add.

JAMES MARTIN: I know the Conservation Board is going to want elegant landscaping plan.

BILL STEIMER: It looks good so far.

JAMES MARTIN: Fred (Trott), I don't know, we have beat traffic up pretty good.

FRED TROTT: I think I'm going to resign from the Committee.

(Laughter.)

FRED TROTT: Obviously we have traffic concerns. A lot of that you have already mentioned.

Just a couple of things. If the Town would consider maybe hiring their own traffic engineer to do a study with the -- addressing the issues that are forthcoming as far as the other developments. Um, also, we -- we were concerned about the -- the -- the vehicles over here -- I don't know how you call this, the -- the north -- northwest corner here. These -- these cars backing out into that main traffic lane.

JOHN NOWICKI: Up the hill, you mean?

FRED TROTT: Yes. If you look on the side, they're -- actually, they're on the -- that cement block area. The retaining wall. They're parking against the retaining wall. If you look at that, that will be like a main driveway for car traffic and truck traffic.

JAMES MARTIN: Will you point that out? Do you want to show us where that is?

FRED TROTT: Yes. These cars parked right here (indicating), we're concerned about these ones (indicating) because you have -- everybody is going to be coming in this way, and these guys will be backing out at the same time. We thought that would be a traffic issue, potential accident. Plus with emergency equipment trying to get back to, um, the warehouse, and them backing out, we saw that as a concern.

We were also concerned -- we -- we had thought that the truck traffic was coming through this way to get back to the warehouse, but they don't do that.

JAMES MARTIN: No.

FRED TROTT: Then, like you said, having them have access to get to here (indicating), um -- they're also -- the sight distance here (indicating), for them to see the traffic. The brushes --

MR. MORRIS: Those are existing trees that are there now.

FRED TROTT: Will they have adequate sight distance the way this berms out like that? You know, granted it is a four-way stop, and hopefully how that development will be here, people will stop, but -- but it has been ten years ago, and you know, creature of habit, but people will still blow right through here.

KAREN COX: A few near misses will teach them --

FRED TROTT: Unfortunately because of one near miss, it will be coming to our Committee. You know.

KAREN COX: I know. But --

FRED TROTT: You know, I --

Than than: That intersection, that whole traffic flow we're looking at carefully. We'll check those.

KAREN COX: Bigger stop signs.

FRED TROTT: Like you said, addressing widening this out (indicating). That is a good thing.

MR. MORRIS: I hate to take out existing trees, but if it -- if it warrants that, to remove one there to open that up, we'll look at that.

JAMES MARTIN: That could be a dangerous point, because people just don't stop for that stop sign.

MR. MORRIS: They're beautiful trees, but when they come too close to the intersection...

JAMES MARTIN: We'll have to sacrifice a few to make sure we don't have fender-benders.

KAREN COX: People will have to relearn there is a stop sign there.

JAMES MARTIN: People have to learn what stop means. I mean, we're down there four, five times a week shopping, and I just watch people going right through. They don't even slow down. So -- so somebody trying to turn left out of the Target lot with somebody coming down there and not stopping, we have potential for some real problems down there. I agree with you, Fred (Trott).

JAMES MARTIN: Thank you very much. The Board looks forward to working with you.

DECISION: The Board looks forward to working with the applicant to bring this project to completion. Discussion was mainly focused on traffic issues. The Board, the Town Building Department, and the Town Engineer will work closely with you to resolve any concerns specific to the project.

JAMES MARTIN: I declare the meeting adjourned.

The meeting ended at 10:04 p.m.