

CHILI PLANNING BOARD

December 12, 2005

A meeting of the Chili Planning Board was held on December 12, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Jim Martin.

PRESENT: John Hellaby, Dario Marchioni, Karen Cox, John Nowicki, Dennis Schulmerich, and Chairperson Jim Martin.
Ray Bleier was excused.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; Pat Tindale, Conservation Board representative; Fred Trott, Traffic Safety Committee representative.

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

PUBLIC HEARINGS:

1. Application of North American Properties, 1080 Holcomb Bridge Road, Building 200 Suite 150, Roswell, GA 30076, property owners: Fallone Enterprises, LLC and The Fathers House for recommendation to rezone approximately 53 acres from PNOD (Planned Neighborhood Overlay District) and R-1-15 (Residential) to G.B. (General Business) at property located at 741 Paul Road and portion of 715 Paul Road.

Jeff Pape and Bruce Boncke were present to represent the application.

JAMES MARTIN: Before you start, I will note for the record, that I have letters authorizing North American Properties to proceed with this rezoning application for the subject property, signed by Robert Fallone, Jr., representing Fallone Enterprises and by the minister of The Fathers House at 741 Paul Road, so they are duly authorized to represent the landowners.

MR. PAPE: Good evening. My name is Jeff Pape. I am with North American Properties and I appreciate you all giving us the opportunity to present our proposal tonight.

What I will do is open up with a Power Point presentation to give you background on our company and then a little bit about our vision for our proposal, and then I will turn over the presentation to Bruck Boncke with BME Associates to get into some of the details of the proposal.

With that, we'll get into North American Properties. North American Properties is a privately held company operating in 18 states. Main Office is in Cinnicanti, Ohio. Regional Offices in Atlanta; Dallas, Texas; Fort Myers, Florida; Minneapolis, Minnesota.

We pride ourselves on being able to create innovative approaches to retail, mixed-use, residential and office. With all of the different offices, we are able to

develop all different projects.

Out of Atlanta, we focus on retail development. We have several projects that have won awards throughout the southeast coast, and we do our best to come into the communities and create an asset that the community will be proud of and take ownership in and create assets to the community.

We have about \$400 million of institutional grade projects in development.

We were founded in 1954. It is a privately held company, owned by two families that have been doing commercial development since 1954.

Shop, live, work. We have done roughly 18 millions square feet of retail throughout the life of the company. 11,000 units of residential and a million square feet of office.

The Atlanta office, that is where we're from, is presenting this project tonight. The majority of our projects are either commercial or mixed-use.

Experience. The way we have created success for the growth of our company is by creating strong tenant relationships with people who we consider to be the top notch retail tenants in the industry, in the nation.

I know it will be somewhat frustrating tonight because we won't be able to use tenant names. We're very early on in the stages of the project, and we won't be able to use tenant names.

You will see tenants we typically work with, some example projects. We have also been over the years very proud of the pedestrian designs we work with. We work hand in hand with landscape architects and site planners and communities to come up with projects that are pedestrian friendly with village effects where we can and we have been very successful what that.

Award-winning projects. We have retail projects that have won "best in class" awards in 2002 and 2004. Later on in the presentation we will show you a little of those projects.

Community conscious. As I mentioned, we try to create assets to the community. I don't mean just physical assets. We're dedicated to forming philanthropic partnerships in development projects that we try to bridge over to retail tenants in shopping centers or mixed-use development.

One of the awards we received on a project was for community development. We had Camp Creek Marketplace, a project we did in the suburbs of Atlanta. And again, this received the "Best in Atlanta" State award by the Atlanta Business Council in 2002. That was about a \$125 million project that had about 1.2 million square feet of retail, considerably larger than tonight's project, but it was in an area where urban redevelopment was needed and it spurred development. The community has been thrilled with it.

We won the 2003 "Partner of the Year" award from Fulton County Schools, the Partner in Education Year Award and the people we were competing with were Coca-Cola and Ford Motor.

We won the Trailblazer Award from the East Point Business Association, which is the municipalities that we worked in. We worked hand in hand to create a development everybody was happy with. That opened three years ago and everybody is pleased.

The Marketplace at Seminole Towne Center is in Orlando, Florida. 500,000 square feet of retail with Target as the anchor store. Again, we worked with the pedestrian friendly atmosphere. Environmentally friendly project. We had significant wetlands to work with. We worked with the Corps of Engineers, as well as Florida, to create a development that the community stood there with us and was proud of the project at the grand opening and are still very happy with the outcome of the project.

Southwest Station is a project our Minneapolis, Minnesota office did.

Pedestrian friendly. It received an award from the Minnesota Shopping Center Association for design and aesthetics, mixed-use project, high quality, high-end project that again was pedestrian friendly and the community was very proud of.

The development called South Point is a development that is currently underway, in the entitlement process.

The McDonough project is on the board right now. Some of the key points were significant traffic issues to overcome. We have been working with the local D.O.T., the County, City to try to come up with property mitigation to offset any traffic impacts by the development, again, pedestrian friendly and Main Street appeal.

Vision. I will cover the basics what we are anticipating here in Chili.

Chili Marketplace. That is a rough rendering our architect has put together (indicating). Again, this project is at the early phases. We envision a project that -- that will be a retail project on about 53 acres, and I want to clarify and -- I know the ownership of the parcel, people have read some things in the paper. We are under contract to purchase the property, and we're developing this as North American Properties. Fallon Enterprises and the church group will be selling us their parcel when our option comes to a close and we'll be developing. This is not a partnership between the three groups. North American Properties will control the development. So we'll be the ones to ask any questions of or deal with throughout the project.

The intent of the design is to bring high quality retail development into Chili. As I said, we have worked with several national tenants and some of them have identified this as a place they want to be. The site that we have landed on, we landed on because of its proximity to the existing commercial node, the high quality commercial you have here with Wegmans. Future land use map it is designated as General Business area.

We began looking at simply the first 36 acres. We know that there is significant wetlands on the project. First thing we did is meet with Corps of Engineers and in discussing things with them, we recognized those wetlands were something that could only be impacted as minimal as possible. Because of that, we approached the church, and we looked at expanding the property a little bit so we could save as much wetlands as possible and still develop the quality project we wanted with the tenants that are interested. I will let Bruce Boncke get into the details of that.

We recognize there are significant concerns relative to the wetlands and drainage, significant concerns relative to traffic.

Also, everybody is concerned about the tenants. I won't be able to name any tenants. We'll be -- we have commissioned BME Associates to immediately get into a traffic study to identify those impacts and see what mitigation we can come up with to mitigate for the impacts of that, and again, we have been working with the Corps of Engineers for six months now to try to discuss with them the best way to avoid impacting the wetlands, create additional mitigation areas, and in doing so, we'll end up providing additional storage beyond what we would typically need for the project that might be able to help some of the hydrology in the area.

One thing, we do a lot of pedestrian-friendly designs that tie into quality landscaping. We're very proud of the type of landscaping we do. We like to, instead of just building a center with a 10-foot wide gray sidewalk, we like to have 20 to 25 sidewalks, add planting islands and landscaping and create a meandering effect. Some of the planters by the building, some out by the curb and create an area where pedestrians walk and feel like that this is where they're supposed to be.

We have had a lot of success with that. So extensive landscaping.

The architectural design, we have a board here that shows, as -- as I said, this is early in the project, so we have just commissioned an architect to start studying the area and come up with an architectural theme to be used throughout the center. A project of this type we'll develop will have an operating easement agreement that will bound anybody within our property to a set architectural theme for buildings, for signage, for landscaping, et cetera.

So we'll provide a quality cohesive design throughout the center. We won't have one building on one side with a totally different architectural feel on the other side of the parking lot. We have commissioned an architect to study the Chili area and the Rochester area to come up with an architectural theme that will be in keeping with what is here now.

North American Properties is not a company that comes in and pokes around and doesn't intend to complete a project. If we're here, we think there is truly a project need here. We are driven by tenants and we're experienced deal closers. We're very experienced with this type of project and putting it together at the end of the day. Innovation, dedicated to the community and grade A tenant relationships.

With that, I want to mention one more thing. I know there are a lot of neighbors that will want to speak. We began to reach out to the community last week and had a few meetings with people to put us in touch. We intend to work with the neighborhood throughout this approval process as we fine-tune the design to come up with something that the community will be happy with at the end of the day.

I will turn it over to Bruce Boncke to get into the technical issues. Of course, we're here all night for questions.

MR. BONCKE: Thank you. My name is Bruce Boncke with BME Associates. Our office is in Fairport, New York.

A little bit -- by way of description, a little better description of the property, obviously the graphics are here. On the northerly side of those renderings is Paul Road, address 751 Paul Road. The rendering to the left shows you obviously an aerial photograph. Our property, the 53 acres, is in the middle. To the left is the existing Wegmans facility. To the right is the proposal that we have as the latest proposal for The Fathers House property, to the right of our property.

I think it is important to mention up front when North American Properties approached us, there was obviously quite a bit of work, quite of bit of things done on the site in the way of proposals to the site. There were wetlands delineations done, some work with DEC. But I want the Board to know very importantly we came into this taking absolutely nothing for granted on the previous work that had been done on the property. We really started from scratch, if you will, knowing that that information was there, utilizing it as background, but if I can start with probably the most critical item on the site, that relates to site utilization, it would certainly be the wetlands on the property.

We contacted the U.S. Army Corps of Engineers and DEC right off the bat, approximately six months ago, to make sure that the earlier delineation that was done on the property that had not been turned into them for formal delineation was, in fact, what they would see to be the delineation on the site. They did come out to the site, visited the site with us, the Corps of Engineers, and determined that the delineation actually did need some work. It needed some upgrading. We did that. We performed that delineation. We again had the Corps of Engineers back on the site to concur with our delineation work, and as such, we now feel we have a very accurate delineation of the wetland itself.

The second part of the discussion with the Corps of Engineers then was, of course, their vision of what could or couldn't be done. We certainly as a firm are very familiar with the regulations. There is no question about the regulations themselves, but given the fact that the wetland cuts diagonally through the 37-acre piece of property, we spent a number of months with them minimizing effects, looking at different plans.

The plans that you see have been reviewed by the U.S. Army Corps of Engineers. We are in the vicinity of about 2 acres of disturbance, but are also in the vicinity of approximately 6 to 7 acres of mitigation for that disturbance. They felt that we were far enough along the way, and quite frankly, the reason we're here before you tonight, because with their concurrence they felt we were far enough along with those discussions, we felt it was prudent to, in fact, develop the plan to the next level, make the submission for rezoning to the Town.

The mitigation that we're showing, so I can just stay here at the podium, and subject to questions, we'll go to the graphics, but most of the blue area that you see on those drawings and on those renderings are actually mitigation areas. They will be a combination of mitigating for the couple of acres of wetlands that would be disturbed. In addition, we have the Phase 2 EPA storm water regulations regarding quality of the water and any watershed at this point, and some of the things that you see on there, especially in the mid right-hand area and the left-hand area of the site are actually storm water quality mitigation areas for those Phase 2 requirements. So having felt comfortable enough with the Corps of Engineers, as I said, we worked with them over a six-month period of time, we're now before you procedurally requesting the rezoning.

The property, the 53-acre property breaks down for the 37 acres on the left-hand extremity of the property, the former Fallone property, and approximately 16 acres for the property that is being bought from The Fathers House.

The procedure -- and procedurally we're here before you tonight for this hearing to, number one, explain all of the technical details and things that have led us to this point regarding the plan, to hopefully obtain your comfort level to take this to the next step of referring it to the Town Board.

I want to acknowledge for the Board that we certainly understand the procedure of referring to the Town Board. We ultimately, as a Type I action, would foresee the Town Board taking a lead agency status on the application. There are certainly many things associated with that lead agency status going into the next phase should you allow us to get to that in the way of scoping out the environmental concerns that both you have and the Town Board would have. Quite frankly, we hope we can hear some of those from yourself tonight and the neighboring area tonight, as to what those concerns may be. I hope we have answered quite a few of them.

The storm water. The second issue that I want to describe to you is the storm water facilities on site are draining to the southwesterly portion of the site. The drainage in this area, the drainage to the existing wetland is draining basically from top to bottom, from right to left on that property.

Two important aspects about that, first being that we're not draining to the existing residential neighborhoods. Secondly, the drainage that comes onto our site, because of the existing conditions on the site, to some extent create what we call an outlet control situation on the culvert going under Paul Road which tends to only allow so much downstream capacity through the site, slowing it down a bit.

Through the construction of the facilities on site, coming from Paul Road, across our parking lots, into the site, into the wetland, combined with the fact that

the mitigation that we'll have to create for the wetland disturbances intrinsically creates an extensive amount of flood storage area or storm water storage area. So graphically looking at the blue areas, those are all areas that will be able to provide additional storm water runoff capacity within that area, again, further going a little bit to the southwest.

Capacity wise that should help any drainage situations going into that direction, and as I have just tried to say, the drainage that comes at us from the residential neighboring areas can also be improved by us clearing out that outlet condition that comes onto the property.

Regarding traffic, we certainly understand that traffic would be of concern to all factions, Town government, the neighbors, et cetera, on the site.

First of all, in case anybody is not aware, the Paul Road is transitioning from a State highway to a County highway. We have, therefore, basically looked at County highway type of criteria, knowing that that is the entity we'll have to work with. Going forward we would anticipate, and we certainly hope the project would proceed, that we'll be dealing with the County on these issues.

Now, a traffic study was provided to us. We don't really believe it took any formal procedures through the Town, prior to our client optioning the site. We have gone through that, we have gone through the information regarding background traffic in there, and we're very confident that we can work forward with both the neighborhood, the Town and the County to provide proper access to this site.

You will notice on the rendering that we're showing one major entrance or intersection to the site, across from Stal-Mar Circle. We believe with the work that we have done to date, that signal warrants would likely be warranted at that location from the County. I will tell you that proceeding forward, we generally hope that they are. We feel that signal warrants and the signalization of an intersection such as that would create some necessary platooning and gapping that intrinsically occurs with signalization through that area that the existing traffic background study showed us – could be utilized to create these gaps and the platooning of traffic through there to allow better access in and out.

One of the other reasons we specifically located the entrance -- and I should emphasize in a schematic fashion – across from that particular intersection, was because that was the best way, in fact, for us to meet warrants for a potential signal. If we don't align those intersections, it would probably be very difficult to meet the signal warrants singularly for our entrance.

But in addition, if you look at the aerial photograph, that particular street is a cul-de-sac street without through traffic out to Chili. We, at this juncture, subject to your comments, Town comments moving forward, felt that that would be a better prudent access to this to not create short circuiting through those other roads. If we are to signalize and/or align with other intersections, particularly the signalization of

it would tend to promote through traffic through some of those areas and that is not something that we felt was prudent to do, nor would we feel you would want us to do it.

So from a traffic standpoint, we have applied normal ITE standards to the site and looked at the site and the background traffic, understanding that we know that once the lead agency -- once we get to that stage, it will help us to find the scope of what they would want us to study. We didn't want to be presumptive coming in and guessing what a lead agency would want us to study through that traffic through that corridor.

I will mention quickly on the water and sewer end of my job, both water and sewer are available on Paul Road. We have talked to the community about the capacity of both of those systems, and feel that we can loop ourselves through the site very well with water off that access of Paul Road. The access to the sewer is in the -- on our rendering, the upper right-hand corner of the drawing, and that is what we have shown on our schematic plans to you.

The total -- just for your reference of what you see on that site, from a square footage standpoint, is approximately 350,000, 400,000 square feet of total use on the site. The assumption and the direction we are headed in at this point is two major tenants with other out-parcels and the potential for restaurant uses, things of that nature.

We also wouldn't be here this evening, I don't believe, if we didn't feel strongly in reading your Master Plan that this area was, in fact, suited from a Master Plan standpoint. Our reading of your Master Plan shows, and the various verbiage in there regarding Chili Center references the potential for these type of retail and major retail uses in the area, and I believe it does show General Business for those uses.

So with that, I guess I would prefer -- engineers can get into a lot of detail, but our preference really this evening would be to provide and hear your input, hope that we can answer your questions, and hopefully at the end of the evening answer those to your satisfaction so that we can proceed to the next level with a recommendation to the Town Board.

So with that, I would like to leave it to your questions, if I could.

JAMES MARTIN: Okay. I guess a couple of things to begin with. For the information of the audience, before we go much farther, just as a matter of clarification, the Planning Board does not have the authority to rezone property. The only authority to rezone property in the Town of Chili rests with the Town Board. So I don't want anybody out there to have in their mind an assumption as we move forward tonight, that the Planning Board has the authority to rezone the property. So I just wanted to get that clarification up front.

Secondly, many of us here on the Planning Board I think worked for almost two years with Fallone Enterprises on the concept of a Planned Neighborhood Overlay District, which comprises I believe about 37 acres of the proposed development that you have brought before us tonight. And I believe we went through several iterations, all right, in that process that we finally arrived at a design for the area that we felt was a significant asset to that particular location. And it was a very nice transitional plan from the high intensity commercial, the Wegmans operation to the residential neighborhood that surrounds it, particularly the property.

We also worked very closely with The Fathers House in studying their proposal, their site plan proposal which obviously is the property next-door to yours and of which I believe 16 acres could potentially become part of this particular project.

A couple of clarifications. You stated that in studying our Master Plan, that you felt that this particular area was in a state where a General Business type of zoning was appropriate. However, if I read the Master Plan, and in Chapter 1, Executive Summary, the recommendation at the time the Master Plan was put in place was to rezone the area in question to a Planned Neighborhood Overlay District, which subsequently did happen. It was rezoned from Restricted Business, I believe, to the PNOD zoning. So I'm not quite sure whether your interpretation is correct from a master planning standpoint. Certainly, I would not agree with that

statement. You know, there is also a statement earlier on that future land use would lend itself towards a General Business type of application for this particular area. Again, I don't concur with that impression that might have been created.

As far as what you have presented tonight, you have indicated 350,000 square feet of retail. I believe the two major tenants constitute almost 300,000 square feet of that. A very, very large retail type of activity there. I don't know how many parking spaces are on the site plan proposed -- the sketch plan I guess I should call it, but there has got to be well over a thousand. So certainly traffic would be a major concern on the part of anybody who is looking at this particular project.

You indicated that you had spent a fair amount of time on wetland delineation, and that you feel now that they are correct, that you're actually going to mitigate 6 to 7 acres to overcome the utilization of 2 acres to be disturbed. Certainly that would continue to be a major concern for that particular area. On anybody's part who is familiar with that particular property, having walked it myself, it would be a major concern, I believe.

So at this point, I am going to turn it over to my fellow Board members for other questions and concerns at this time. I will start with Mr. Bleier.

RAY BLEIER: Well, I believe one of the major issues is the traffic issue, and I just had a couple of questions here.

Is there any consideration for creating ingress/egress from Archer Road into this development?

MR. BONCKE: Not -- I would say not directly from Archer Road, but we would continue to proceed to look at cross access agreements to both the Wegmans site and The Fathers House site. Their proposal, as we understand it, is from Archer Road. On the sketch, the -- very generically off their sketch, we're proposing a connection into our site that would link the two that would allow that possibility.

So we have not proceeded with a direct access for the site, but we would certainly want to work with both of those neighbors to provide cross-access to allow as much cross-access as we could obtain from either one.

The Fathers House connection is very much in motion regarding the transfer of the property to begin with and the intent to cross-sect those two properties. So there would be like an access out onto Paul Road where we're showing our secondary access.

RAY BLEIER: Have you proceeded with your discussions with Wegmans for the possible cross easement or access to their property?

MR. BONCKE: Not other than just a basic connection -- or a contact with them to let them know our intent, that we would like to do that. At this point, we have to proceed really with your procedure before we could get into really working with them to determine those connections.

RAY BLEIER: Concerning obviously some improvements that are going to have to be made on Paul Road to make this a success here, does the Northeast -- is it their policy to suggest recommendations for traffic flow, widening of the road?

MR. BONCKE: I can answer that, but I would prefer Jeff (Pape) do it.

MR. PAPE: Just to clarify, we would rely on BME to do a traffic study that covers the scope that the lead agency for SEQR would determine and follow the procedures of Monroe County, in this case New York D.O.T. and whatever the traffic study presented as mitigation, we would move forward with providing those mitigation options and we would certainly anticipate that North American

Properties would be responsible for those improvements.

RAY BLEIER: Concerning some of these buildings here, the proposed -- well, first of all, what is the difference between out-parcels and some of the established buildings? Are out-parcels up for sale?

MR. PAPE: Typically the out-parcels would be ground lease to a smaller user, a restaurant or bank or something of that nature, but they would still be controlled by the operation easement agreement to control their architecture and landscaping. We would put those as deed restrictions. We have out-parcel design control guidelines that we put as a deed restriction that we would put before we sold it to the users to help control the theme of the architecture and signage.

RAY BLEIER: Some of the other buildings, like Building B, which is 18,000 square foot, would that house one tenant or like a series of shops?

MR. PAPE: A building that size would house one tenant. On the site plan, any of the buildings over the 15 to 20,000 square foot range and the two significant large ones would be one each. The smaller L-shaped building would be split up into smaller tenants from 1,000 square feet up to 2 or 3,000 square feet, so it would be a mix of a little bit of everything.

RAY BLEIER: There are a lot of rumors rampant as to what type of buildings are going here. A couple that were mentioned were Lowe's and Target. As a matter of fact, in your depiction you do show a Target facility that you worked on. Are those square footages consistent with those types of buildings, the two larger --

MR. PAPE: They are. Again, I can't use any names at this point, but those are consistent with those types of users, yes. And that Target was shown in our presentation because we have done a lot of work with Target in the past.

RAY BLEIER: I presume you will have extensive landscaping along Paul Road?

MR. PAPE: Yes. You can see the green provided in the rendering. We have made a significant effort to keep back from Paul Road to leave a lot of room for landscaping buffers.

RAY BLEIER: Including berming?

MR. PAPE: Sure. We have done that a lot. We have had success where you have lower berming to see the tops of the parking and building, but it hides the cars. It reduces the effect of a parking lot. You see more landscaping when you drive by.

RAY BLEIER: One thing to mention to the audience, because you -- the procedure tonight is just a recommendation from the Planning Board to the Town Board. What follows after this here, the applicant can apply to the Town Board for the rezoning, and if that is granted, then the applicant can proceed with the site plan, and the site plan approval has to come back to the Planning Board again for all of the specifics concerning any development on the property here. So there is quite a lengthy set of hearings and procedures that have to be followed yet. Tonight is not one vote for the entire project.

KAREN COX: You said that the smaller out buildings would hold things like office space and smaller shops. Is that --

MR. PAPE: No. The only types -- wouldn't be much office in this type of development; it would be more retail. The closest thing for office would be a real estate office, but the smaller buildings in the parking lot, the L-shaped one and other one would be broken into smaller spaces to smaller tenants. A florist, nail salon, people like that. The ones labeled out-parcels would be sold off to possible one use, possibly a restaurant or a bank.

KAREN COX: The parking, the number of parking spaces, is that consistent with the Town's code?

MR. BONCKE: The parking spaces are consistent with the Town Code, and actually the typical requirements of major tenants are actually more stringent from a number of spaces standpoint than Town Code, but we're consistent with both of those. So we're probably a bit above Town Code numbers.

KAREN COX: So if the Board felt -- or maybe I'm getting ahead of myself here, but do you think that the major tenants would have major anxiety if we asked for fewer parking spaces?

MR. BONCKE: The major tenants may and likely would. However, on a site like this, because of the other tenancy on it, there is a number of the sharing of the parking spaces in there. That is certainly a recommendation if we are able to get back for site plan approval, that we would consider and consider your comment now if we proceed.

KAREN COX: And do you think the applicant would be interested in looking at the possibility of an egress, ingress/egress from Archer Road?

MR. PAPE: Certainly. As mentioned, we're buying part of the current application from Our Father's House Church and they're the ones that own the property all of the way over to Archer, so we would have to come up with some inter-access agreement with them. Our relationship has been interactive. We want to develop something cohesive between the two properties. We'll actually continue to pursue that. The traffic study could help identify a quality way for people to do that. We don't want people winding through a parking lot to get over to Archer Road.

JOHN HELLABY: The DEC and Army Corps are usually very reluctant in giving any sort of documentation, but you mentioned you worked diligently with them for the past six months and it was from their suggestion that you were to proceed. Do you have any documentation to that effect?

MR. BONCKE: We don't have documentation regarding the application, but we are submitting the Corps. of Engineers permit the beginning of next week, which will start the documentation process.

JOHN HELLABY: It is not here tonight for us to review?

MR. BONCKE: No. Because the application is just being prepared. We do, however, have documentation from New York State DEC regarding their potential regulation of the wetland area, and I say "potential" because we do have documentation from DEC telling us that they do not regulate it. So the application process is singular to the Federal and the Corps of Engineer's process. The wetlands on the site are not regulated by DEC because of delineation criteria and size, and we do have documentation on that.

MR. PAPE: If I could just further clarify on the Corps of Engineers, what we did in the beginning is said we could do it two ways. We could submit an application without you knowing nothing about it, or we could meet with you informally several times so you have a better comfort level with what is going on. The Corps' recommendation was to meet informally and go through the process and look at concept plans, and it got to a point where the Corps of Engineers said we feel comfortable with you starting the formal paperwork. That is another public hearing process, going through public comment period. So that is a fairly drawn-out process as we --

JOHN HELLABY: This would not sway my decision one way or another, nor do I need to know monetary amounts. What are the terms of your purchase agreement time frame wise?

MR. PAPE: We have the option on the contract until late fall of 2006, I believe. I don't have the stuff in front of me.

JOHN HELLABY: Now, you made mention that the out-parcels would be probably sold as ground leases. Is North American Properties actually going to be the major holder in this parcel after the two major anchors are established? I mean tell me a little bit about how that works. Do you build those buildings and lease them back to these people?

MR. PAPE: It depends on the tenants. Some of the larger tenants prefer to buy at least their pad or parcel. Our goal is to own as much of it as we can and continue to hold it. In my presentation I mentioned we have a significant portfolio with asset management. Our goal is to develop quality assets we could add to our portfolio. There will be some parcels we own, and that is where the lease agreement comes in to consider control over architecture and maintenance requirements and upkeep of landscaping and that type of thing.

JOHN HELLABY: At this venture you must have done some sort of market studies. Are you willing to share the market studies with the Board? If not tonight, sometime in the future. I question the fact whether or not the community could support this type of development.

MR. PAPE: We have done demographic studies. With the relationship we have built with some of the retailers, we don't do as much market study as you think. When we have significant national retailers telling us, "We'd like to be there," we know they have done the research. We trust that relationship. We would be happy to continue to share the market research we have done.

JOHN HELLABY: You made mention to the traffic study. I also understand you have a contract, but give us the status and what are you looking at time frame to get this thing done?

MR. BONCKE: As far as the traffic study would be concerned, we are bound, if for nothing else, by the SEQR law before any decision is made on a rezoning to address all impacts, traffic being probably the most critical one.

That traffic study we would see to take about a one- to two-month period of time, somewhere in that variety, which would fit well with a recommendation to the Town Board and Town Board establishing lead agency.

One of the aspects of that is that rather than us taking in and analyzing our proposed intersection, we need to hear from the lead agency to what extent they want us to study along that road and what intersections. So the doing of the traffic study itself is a two-way street, if you will. And to what extent that they want us to, and then ultimately -- either way, we would see that study to take between a month to two months to do.

One of the aspects is that we wouldn't want to do certain traffic counts and things of that nature in a holiday season inasmuch as it taints the numbers for having to operate for really 12 months out of the year. So there are certainly logistics when we can do that traffic study and get the counts.

JOHN HELLABY: You also made mention as far as signalization at the major entrance on the Paul Road, which I'm in agreement with. And again, I realize it depends on a lot of things, but in consideration, would you consider widening Paul Road from that point back in to where the three lanes, the turning lanes have been developed down by Wegmans property? If required.

MR. BONCKE: I will let Jeff (Pape) answer it.

MR. PAPE: You know, obviously the technical answer will come at end of the day from the traffic study. We certainly contemplate turn lanes and decel lanes. If the traffic study comes back and says the only way to mitigate the impact of the

development is to bring it back to where the three lane exists, we're prepared to do what we need to do to keep the level of service where it needs to be.

MR. BONCKE: One other answer is when we go in that direction and look at lanes and what the numbers tell us, there is another street that comes in at that location, and that will be part of whether putting an extra lane in there is really prudent or whether we put turn lanes in that location. I would hate to get specific, but we see improvements that will be needed on the road.

JAMES MARTIN: You have mentioned that you contracted or have been in discussions with an architectural firm to do area surveys and offer up suggestions. Can you share that company's name or individual with the Planning Board at this time?

MR. PAPE: The board over there where they -- Cupkovic Architects. When we do projects, we try to keep a team of people together. We do development all over the southeast and now we're pushing up the northeast. We try to keep a team as much as we can. We use BME because of the local connection. Cupkovic -- Noel Cupkovic was the lead architect on the Eastview Mall expansion where they put in Champs and PF Changs, so he has experience in the area.

One thing I didn't mention, we're an Atlanta developer here in Rochester. We don't typically get this far north, but my background is civil engineering. I worked for BME for six years and I have worked here in Rochester and I have a lot of experience, did a lot of the design work and development for a lot of the work here in Rochester, Eastview Mall and some of the other Target projects.

JOHN NOWICKI: I will take a different tact. I happen to concur with what the Chairman said earlier in regards to the interpretation of the Comprehensive Plan and to get into a site consideration for traffic. At this point I think this may be not appropriate at this point, because once I get into that, I'm going to be taking a very, very hard look at this site, the architectural treatment, the drainage, the whole thing, and I don't think at this time I want to get into that.

I would rather want you folks to be aware of the committee that has been involved, the Comprehensive Update Committee. I think because of the way the Comprehensive Plan is written and stated this committee should get this for their review at this time before we do anything else and have a recommendation with their statements coming back before the Planning Board. I think it is too premature to talk about any of the other issues at this point in time until the committee has had a chance to look at it and to refer it back to the Planning Board. That's all I am going to say at this point in time.

DENNIS SCHULMERICH: Several points, some of which I think you may be able to answer and some of which may be deferred to the applicant himself. If I take a look at the progression of zoning in the area, what I see transpiring, and initially it started out as Residential, migrated to Restricted Business, 2003, migrated to PNOD and now we have application pulling in some R-1-15 tonight, wanting to take it all to GB. That migration over the time frame we're talking about is surprising to me. That is an observation.

Back in September, September 16th, 2003, to be exact, the applicant presented a market study showing that the economic viability of PNOD was positive for the type of services that are put before the Planning Board. What has changed in the applicant's position that said that market study is not viable?

MR. PAPE: That was not an application by us. That was the current property owner that is not involved with this proposal right now. I have no information on that initial economic development study. We're simply moving forward with a project that we feel is economically feasible and is a need here. We

have no connection to that -- this is not modification of an old application. This is a brand new application coming in.

DENNIS SCHULMERICH: The prior applicant indicated the desire for PNOD to enable the consistency of commercial transitioning from Wegmans to some low level commercial to residential providing solid buffer between the commercial zoning for the commercial applications and the zoning for Residential. When I look at the plan you have got, you mention a buffer to the Residential. We still have GB. How does the type of buffering that you're talking about here align with what would have occurred with the PNOD?

MR. PAPE: Again, we have no information on the PNOD. We were not part of that application. We don't know what they had in mind when they were talking about buffers. All we can do is do what we typically do. If we need to provide buffers, we'll do it with berming and landscaping and try to create an aesthetically pleasing type buffer.

DENNIS SCHULMERICH: Can you describe that so --

MR. PAPE: Again, it will be a landscaped area with berms and extensive trees and plantings. I'm not a landscape architect, but we'll refer to one for the final design and we'll do the best to screen the buildings from residential use and use thick vegetative plantings as best we can.

DENNIS SCHULMERICH: Another point is the provision of State Law -- this was stated back in August of 2003 by the Planning Board, and still is viable. Provision of State Law regarding comprehensive plan and rezoning. If rezoning is not consistent with the Master Plan, we have to revise the Master Plan before we can consider rezoning.

If you consider Chapter 1 from the Master Plan, a recommendation to rezone the targeted area as a Planned Neighborhood Overlay District so as to buffer adjacent single-family neighborhoods will compliment the more intense uses such as in Wegmans Plaza.

Chapter 5 notes the Chili Center sub area includes an area where a Mixed Plan Overlay District and General Business District would be used using the wetland area and single-family residence towards Archer Road.

So I concur with the other two members of the Planning Board that mentioned it is not obvious how this is aligned with the Master Plan and by my definition it is not obvious how we can take an action on it tonight since it seems in direct contrast with our current Master Plan.

The final point from my perspective, and I'm open to be swayed in this, I want to see the residents of Chili have the right type of shopping. The community continues to grow. With that said, I believe the zoning we have in Chili is set by the Town Board, and what I see happening is we have had an applicant come before us on several occasions, motivating us to convert the property to PNOD. He has not been able to deliver on that. Now he is seeking to rezone it to GB for his own economic gain.

I'm fine with Commercial or GB there if the Town determines it is the right thing to do. I'm not an advocate of rezoning because the prior applicant had difficulty living up to PNOD, and we will not rezone it based on one developer. That's my opinion.

DARIO MARCHIONI: I agree with John Nowicki. Since we have an update committee in action, I think we should give them a chance to look at this. Give them a time phase, for example, a month or so long for them to report to us. We don't want to stretch it out a year or so, but a few months, within that phase. Then at that time, with the recommendations, we would have a better decision-making

process. That is my opinion.

DANIEL KRESS: Only other question that might be relevant for the applicant to address, and the Board to consider, given that General Business designation does permit a variety of uses beyond strictly retail, and I understand that is primarily what we're talking about here, but what is the range of uses you're envisioning ultimately up there, relative to the list of permitted uses?

MR. PAPE: Being in early phases, we're looking at primarily retail uses. We're not, you know -- the OEA I mentioned will have specific restrictions on obnoxious uses. We'll control it with high quality uses. To get into naming tenants is really challenging at this point. I would hate to throw something out that didn't come together at the end of the day.

FRED TROTT: Traffic Safety Committee really feels it is necessary to get access to Wegmans, and also an access road to Archer. We also wanted to make sure when you did your traffic study, you included Archer and Chili Avenue.

Obviously, you're going to need to consider widening the road with turn lanes.

And where you would have sidewalks in your plans.

MR. PAPE: At this point, we would have sidewalks completely internal to create pedestrian connectivity in the center and tie it to sidewalks wherever there are existing sidewalks. We would try to tie to Wegmans, the neighbors across the street and running sidewalks along Paul Road if that is desirable, in front of the shopping center.

JAMES MARTIN: I have heard a fair amount of sentiment from the Board regarding the appropriateness of the application. Given the fact that we do have the Master Plan Update Committee working diligently right now to update the current Master Plan, and bring recommendations not only to the Planning Board, but the Town Board on where we feel the future of Chili is supposed to go.

So I do share that certainly with the members of the Board. I will open it up at this point for public comment.

I would like, though, to share with you a couple of things. Number one, the Planning Board is well aware of the traffic issues that exist on Paul Road, Archer Road, Chili Avenue area. We have addressed them on previous applications before the Planning Board, and so, you know, if you have comments about traffic, that is fine, I won't preclude anybody's right to speak, but I want everybody to know we're well aware of the traffic issues that exist in the area.

Secondly, we're aware of drainage issues that exist in this particular area. If this were to move forward as a project, clearly during the site plan review, working with the Town Engineer, there would be an intense focus, intense focus on the drainage issues that exist in this particular area. So again, please understand that the Board is well aware of those concerns, and if this project were to move ahead, we would do everything within our power and the Town Engineer's power to mitigate any adverse effects that could occur as a result of this particular project.

Clearly, we have already talked about the wetlands, the wetlands delineation, those things that need to be done to insure proper mitigation of any disturbance of the wetlands in the area. So again, the Planning Board is well aware of that, and this -- as part of the environmental analysis on this particular project, that would be taken into account. So I just want everybody to be aware of that, that the Planning Board, you know, is well aware of all those factors.

So at this point in time, we'll entertain public comment. But again, if somebody has already covered a point that you wanted to speak to, and have done it very effectively, again, we don't need to hear comments about traffic six or seven

times. We're aware of the traffic issues. So if you could keep your comments brief, to the point, let's not get into a lot of site plan issues. Obviously they exist, and that would probably be the crux of public comment at this time, but I will open it up at this point to comments from the audience.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RICHARD MEINTEL, 5 Wheat Hill

MR. MEINTEL: We were here about a month ago with The Fathers House, with their plans. It showed one coming out to Archer -- or Archer Road at Wheat Hill and the other one going out the other way at Paul Road.

Well, their plan there cuts everything off from The Fathers House with the berm and everything, and their extra road going out to Paul Road. They're right back to square one where they were with traffic.

JAMES MARTIN: You know, let's not get into site plan of The Fathers House. I don't believe that is the most up-to-date site plan that is on their sketch here. There is going to be an entrance to Paul Road from The Fathers House. That was approved.

MR. MEINTEL: It doesn't show.

JAMES MARTIN: I understand. We're not discussing that site plan. It was approved.

SCOTT GARRETSON

MR. GARRETSON: I'm looking at this plan. I see that West Way -- I thought I heard them say they were putting a streetlight on West Way and I would recommend when they do their SEQR review, they better check out West Way. I don't know if they have gone down there. It is a winding residential street. It sounds like the brunt of the traffic into this project is coming down West Way, strictly residential single-family neighborhood.

RAY BLEIER: That is correct. The proposed signalization was at Stal-Mar, not West Way.

MR. GARRETSON: Stal-Mar. All right.

JAMES MARTIN: They understood that, and they did not want that traffic going through there.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm a regular at the Planning Board, but most of the people that are here, they probably are not aware what would be allowed under General Business. For the sake of the people here, would somebody please read what they might get if this is recommended and approved by the Town Board? Thank you.

JAMES MARTIN: 115-16 General Business. Permitted use under Neighborhood Business. So you -- now I have to go back and look at Neighborhood Business. That is 115-15. Neighborhood Business. Permitted uses: grocery stores, barber shops, beauty shops, clothing cleaning pickup agency including self-service cleaning establishments, which means laundromats, drugstores including soda fountain. Dog grooming excluding boarding or kennels.

Under conditional use, and for those of you who don't know what conditional use is, these are uses permitted assuming that the Planning Board approves that utilization. Residential units not on ground floor of the building. In other words, apartments over a restaurant or whatever you would want to say.

Conversion of existing dwelling unit to a permitted use. Public and private utility buildings, structures and uses, but not including repair yards, warehouses, power plants and similar uses, professional or business offices, funeral homes and mortuaries. So that is under Neighborhood Business.

Under General Business, you can also have photographic and artist supplies and studios, music or dancing schools and art galleries, libraries and reading rooms.

Professional or business offices, banks and financial institutions.

Variety store and gift, notion, toy, pet, hobby, video rental/sales and bicycle shops.

Garden supply, hardware, home furnishing, health food, furniture, liquor, department shops.

Book, stationery, jewelry, leather, luggage and musical instrument stores.

Department and clothing stores.

New auto parts and household appliances.

Restaurants, theaters, not to include a drive-in theater, bowling alleys and places of public assembly, health and/or fitness center, video arcade centers.

Under conditional uses of General Business you can have public buildings and public utility buildings and structures.

Commercial off-street parking lots, subject to the provisions of our parking code.

Dwelling units, we have covered, not on first floor.

Hotels, motels.

Small animal hospitals.

Hospitals and convalescent homes.

Educational, charitable and/or religious institutions.

Bus passenger stations.

Telegraph and telephone and express offices.

Trailer home sales.

Mortuaries and funeral homes.

That is what is allowed under General Business then with the caveat of the Neighborhood Business. In general, the General Business zoning code within the Town of Chili, the purpose of this district is to make provisions within the Town for larger concentrations of retailing and service activity in the form of unified shopping centers. That is what is permitted under the General Business code.

TODD OWLETT, 11 Stal-Mar Circle

MR. OWLETT: Of course I would probably prefer not to have a signal light at end of the street and a large shopping plaza, but I'm confused about how the zoning works. You don't do that, but you're the planning? I know when I moved in, roughly five or six years ago, I didn't expect that that parcel would remain undeveloped forever, but I did expect, and -- that that would become some sort of a buffer zone, not that my street would end up terminating in a very busy, full retail establishment.

And I know you don't want to get into specific site planning things, but looking at the size of Wegmans and setback for Wegmans, those buildings are right on top of the street. I sort of doubt what the developers are saying on the berms that they would be high to block that much of the view. I can't imagine a retailer wanting to be in a building that can't be seen from the street.

So I have my doubts there. But I think the Town had it right when they were

suggesting that that area would be some sort of buffer zone. Like The Fathers House on the corner, it is not residential housing, and it is not, you know, going to be real busy like Wegmans is. While I like things conveniently located, that is right on top of it. So I don't -- sounds like maybe -- we're all here for that, but is this the right forum if you guys aren't doing the zoning, if that is the Zoning Board, different people?

JAMES MARTIN: No. As I clarified earlier, we are only in a position to recommend the zoning, any zoning change. The Town Board is the agency or the authority in the town that would actually make a change to the zoning that currently exists on the property. And they would go through a process similar to what we're doing. They would schedule a public hearing, at which time, again, everybody would have an opportunity to speak to the Town Board for or against the proposed rezoning.

DENNIS SCHULMERICH: The Town Board looks to the Planning Board for a recommendation on the zoning.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Members of the Chili Planning Board, my name is Jerry Brixner, 14 Hartom Road.

Last Monday night about 7:15, I received a phone call from Mrs. Gail Lyle. She expressed in a tone of anxiety in her voice. She asked if I could come over. I replied certainly. When I arrived, she invited me in and introduced to me Mr. Jeff Garrison (phonetic), Site Acquisitions Manager, North American Properties, Roswell, Georgia. As I recall, she or Mr. Garrison explained why they were looking at rezoning. I knew before I went that the Planning Board set up a special public hearing tonight. It dealt with the property along the south side of Paul Road across the street from Mrs. Lyle's home. Mr. Robert Lyle was also present.

Mrs. Lyle asked him why he was visiting her. Our meeting was cordial. I expressed my opinion. I noted that I had never been on the property we were speaking about, but I had seen water along Mrs. Lyle's home and the water in the ditches across the street. I suggested that I thought there were wetlands on the property that might be a haven for wildlife. I had been told in the past it contains soils that might be vulnerable to heavy buildings.

But there was another thing I had concern about. That was traffic on Paul Road. Especially difficult I thought for cars coming out of that area having to make a left turn on Paul Road moving west to Chili Avenue. I noted the purpose and sharp direction as the road directed itself to the east running to Archer Road. I suggested that the property across from the new Town Hall was up for sale. I asked if Mr. Garrison had seen this area. It is a large triangular piece of property bound by Chili Scottsville Road and Beaver Road and Chili Avenue. I expressed my view to Mr. Garrison, if available, this piece of property might be a better area to pursue since it appears to be on a more level site of land. Thank you.

GAIL LYLE - 736 Paul Road

MS. LYLE: In answer to the question about traffic, going into Wegmans, I spoke to Wegmans this past week. Wegmans has given the same answer they gave to Dr. Fallone. No. They're not allowing traffic to pass through their area. They said, however, if they want to present another proposal to them, they will look at it.

I also spoke to the Army Corps of Engineers, the regulatory branch in charge of coming out and walking this property. They said they have made no promises as far as mitigation goes to this point because they do not know what buildings or how

many are going to be proposed for a site that has all of the drainage coming in from the whole area, from Ranch Mar, Bellmawr, West Way, Chili Avenue, Grinnell Drive and whatever else. St. Pius X's drainage pond is from there going into the wetlands. They're bigger than the five to six acres Dr. Fallon flagged. There was discrepancies. There are 8 to 9 acres, but they have not made their final decision.

KEITH BELL, 29 West Way

MR. BELL: The other concern I would have is that the economy in this area has been decreasing, not increasing. Every community wants facilities to bring tax revenue in, but as a new building is opened, another building closes. So you can go to practically any neighborhood and find vacant buildings. Marketplace Mall and that area, which has practically everything you would need, isn't that far away. So my concern is, if this site opens, and not only do I not want it at the end of my street, but if this site were to open, what other places would be closing, and then as a -- another new place opens, this place would become in jeopardy. So K Mart, which is barely hanging on, I believe this would be the ending blow to that site.

So my concern is, there is only so much money in the area for purchasing power, and they can only support so many stores. Do we really need more stores?

DAVID DUNNING, 2 Wheat Hill.

MR. DUNNING: I have heard no mention of any signage or anything like that. Living directly adjacent to this property, I guess I would fully expect to see, not mentioning any retailers in particular, but am I seeing a big Target or Lowe's sign when I'm sitting down watching television? These signs are right in the middle of a residential area. You go down Paul Road into Wegmans, you barely even know Wegmans is there until you turn the corner and see the lot there. There are no big signs there, nothing there invasive to the area, the residents of the area. I was just wondering what is going on with signage. Is that included in any of these plans? What is the Town's position on that?

JAMES MARTIN: In answer to your question, if this project were to go ahead, signage is covered by Town regulations and would become a part of the site plan application and anything along that line would have to meet our current Town Code. So I can't really comment on it now except to say it would be addressed if this project were to go forward. Lighting, all those things would be addressed as site plan issues.

ROCKY YARID, 24 Cross Bow

MR. YARID: Just the other day I went up to Wegmans parking lot and counted. It amounted to 700 cars. And with 700 cars, Wegmans has a turning lane into their facilities on both Paul Road and Chili Avenue. With this site, I don't know how many cars will be there, but when you accumulate the number of cars expected in Fathers House, 900 plus, whatever is added to here, I think there is going to be a substantial -- potential for substantial number of vehicles to be moving in and out of this area we're talking about, and yet still, as we discussed this, I see the people involved here, not to get into the last November 15 thing on The Fathers House, but I see people very resistive to committing to expanding the roadway or turning lanes. I just want to say I don't think that should be -- it should be a matter of if the traffic study says it is okay or whatever. We should say if you're going to bring this amount of cars in the area, there have to be wider roads and turning lanes or it is not going to happen at all.

LYNN OWLETT, 11 Stal-Mar Circle.

MS. OWLETT: I know another one of my neighbors is here. We're concerned if they put something in there, how the schools pick up your children. Right now if you're in junior high or high school, you wait on the corner of Paul Road and our street, which you can't even see from our houses because of the curve in the street. And it is a situation where we don't agree with it now, but if there is that much traffic, the safety of the kids, that is important.

DONNA HARMON, 6 Woodbridge Court

MS. HARMON: 6 Woodbridge Court in Clay Hill Farms neighborhood. I don't know if you can answer them, but I'll present them as food for thought. What about pollution when it comes to car emission pollution if the traffic increases? Light pollution if there are lots of lights on around the parking lot for retail area. And noise pollution? Not just in terms of how it affects us neighbors, but also the wetlands and animals and foliage and so on. Those things will have impact. Pedestrian-friendly walkways. Knowing we're needing more room for traffic, the walkways will be an interesting situation to balance because you will have more traffic and people wanting to walk, there will be a lot of competition between the cars and the people, which always creates additional problems.

And one other thought here. I wasn't able to come to last -- actually didn't know about the last month meeting regarding the church and I'm just wondering if there is any synergy between what the Church wants to do and how it looks architecturally with whatever goes in next to it and how tall these buildings may be.

And finally, I just want to say that there is rumor that a Target may go in, and I know you can't say who you're dealing with, but to me Target is not a high quality retail place. Even if you want to call it Targe', it is just a big store with lots of stuff that we can get at K Mart or Wal-Mart or anywhere else. My concern is that some of the language that was used may imply something that isn't going to take place, like the word "quality" and the word "pedestrian-friendly" and so on. I would like to keep in mind those are things that should be thought about very carefully before you make any decisions we'll live with.

JANE GRACEY, 742 Paul Road

MS. GRACEY: Lewis and I would like to recommend to the Planning Board that they ask the Planning Board or the other Board that has to go to -- that they table this for a period of time because we are not hearing exactly what retail businesses would be in there.

Also, one more thing about the drainage that we are concerned with. The people's yards behind us, all up and down Grinnell Drive have water standing in them when there is any quantity of rain.

We really would prefer to be the same zoning that it is now. I realize something eventually will go in there, but the retail is not exactly the thing that we would like. Thank you.

MR. OWLETT: This is a follow-up on the zoning. I think I expressed that the Town had it right when that was more of a buffer zone, full commercial. Now it raised my curiosity on if a developer does purchase land in Chili somewhere and let's say it was the Target and the Lowe's, where in our Chili's Master Plan would those stores go? I would be -- it is -- now my curiosity is raised. If they can't go there, because people in Chili would like to have that close by instead of going up to Greece or Henrietta and the tax revenues that would bring, are there other

locations where they could go? Because I suspect there is a better place with more of a buffer between that type of establishment and the residential.

JAMES MARTIN: Certainly any area that was designated as General Business could be an appropriate location, or others depending on whatever studies or applications come in. It is a difficult question. We can't answer that. We would have no idea at this point in time.

MR. OWLETT: Is there a map of Chili that shows those zones?

JAMES MARTIN: Yes, there is. You can go to our website. The maps are there.

MS. LYLE: I'm just wondering if the Board knows there is a petition out there with over 300 people signing it, and it is still being signed.

JAMES MARTIN: I will recognize at this point we have been given a petition basically opposing the rezoning request. If I understand correctly, there are 312 signatures included in the petition. I also understand a copy has been presented to the Town Board.

SUZANNE LYNCH, 11 West Way

MS. LYNCH: I was just wondering if there was any consideration given to the water pressure problems we have here in Chili. It's an ongoing problem, and I would like to know if any consideration has been made for that.

JAMES MARTIN: I guess that is just something you would have to talk to the Building Department about or the --

MS. LYNCH: Would this be an added drain to the water pressure issue?

JAMES MARTIN: I don't know the answer to that.

KAREN COX: When they -- if this development would come to pass, one of the steps in doing site plan design is to do fire flow checks and water pressure checks.

JAMES MARTIN: The County has an opportunity to comment on -- if this were to proceed to a site plan, the County has a review of all of the aspects of this, the sewage and the water pressure in the area, and we would expect Monroe County Water Authority to either approve or disapprove or make recommendations on changes that would have to occur in order to make this a viable project. If you're having water pressure problems, call the Water Authority.

BARB DENIGRIS, 254 Archer Road

MS. DENIGRIS: Part of the Master Plan Committee is going to involve a survey. The bottom line comes down to whether we residents of Chili are willing to give up certain things for convenience. We talk about having the convenience of shopping nearby when Marketplace is literally, I have clocked it many times, seven miles down the road. Why do we need large stores like Target, which I agree is a questionable retail establishment anyway, to come in and invade us, take away wetlands, take away what we old timers have enjoyed, which is the country atmosphere, the excellent place to raise your children. We're going to have to start thinking seriously, all of us, as to what we think our top priority is and what we want Chili to turn into. If we start letting this kind of development to come in, we'll have to say "goodbye" to some certain things. Every one of us needs to think about that very carefully.

DAWN FORTE, 3059 Chili Avenue.

MS. FORTE: I understand the traffic situation. My issue is the semi trucks. Obviously when you have a demographic area of this size and magnitude with these big stores, you have the issue of semi trucks coming in. As it is on Chili Avenue, we have a lot of Wegmans trucks coming down and a lot of Mobil gas trucks coming down the road. It is a lot of traffic to handle. How are all these semi trucks going to be able to get into there without having to disturb the residents already on Chili Avenue?

GEORGE GOODWIN, 33 Laredo Drive

MR. GOODWIN: The stenographer has been very busy here tonight, I notice, and does she take the comments of everybody and do the names and addresses appear, and are these available to the public afterward?

JAMES MARTIN: Yes.

MR. GOODWIN: Where would I find that information?

JAMES MARTIN: Well, the minutes are published, they're available I believe --

MR. GOODWIN: The minutes. What about the comments?

JAMES MARTIN: They're in the minutes.

MR. GOODWIN: They're in the minutes?

JAMES MARTIN: Yes.

Make a motion to close.

JOHN HELLABY: Second to close.

The Board voted unanimously in favor of the motion to close the Public Hearing.

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

JAMES MARTIN: We'll go into discussion at this point in time.

Obviously we have heard a lot of comments regarding this particular application. The Planning Board has made several comments regarding the fact that we do have the Comprehensive Master Plan Update Committee in place. And based on that, I have drafted a motion, a resolution, whatever you want to call it, on this particular application, and I would like to read it for the Board at this time. And we can modify it, change it, do whatever you feel is appropriate. But anyways, this would be a motion that --

“Disapproval of this application is recommended until such time as the Town of Chili Comprehensive Master Plan Update Committee completes its review of the Chili Center area of which the subject parcels are a part.

Upon receipt of such information, the Planning Board would welcome the opportunity to rehear the rezoning request.”

Now, are there any changes, modifications to this resolution that you would like to make at this time?

JOHN HELLABY: I don't know if we can go with the verbiage that it is -- what was the first statement? Disapproved? We're not actually approving.

JAMES MARTIN: No, we're -- disapproval is recommended. You know, I guess -- you're right.

JOHN HELLABY: I think at this venture you have to state that you will not recommend to the Town Board that it be zoned until the Master Plan Committee reviews their -- I wouldn't say “disapproved.”

JAMES MARTIN: Okay.

RAY BLEIER: Negative recommendation. The only thing you usually do is either a positive or negative recommendation.

DENNIS SCHULMERICH: We're basically recommending the property not be reconsidered or considered for rezoning until.

JAMES MARTIN: At this time, all right, the Planning Board recommends that no rezoning of this -- of these parcels occurs until such time as the Town of Chili Comprehensive Master Plan Update Committee completes its review of the Chili Center area, which the subject parcels are a part.

Upon receipt of such information, the Planning Board would welcome the opportunity to rehear the rezoning request.

DARIO MARCHIONI: May I?

JAMES MARTIN: Hang on. Let me read this for clarification because we changed it. The motion before the Board would be at this time, the Planning Board recommends that no rezoning of these parcels occurs until such time, and then I went through that -- are we comfortable with that as a motion?

DENNIS SCHULMERICH: Side table comfortable?

KEITH O'TOOLE: Yes.

DARIO MARCHIONI: May I add something to that, if I may? I think we should put a time frame here, maybe a month. We know a lot about this property already, about this whole area. I think this Update Committee can make a decision within a month, or two months. Then go on from there. We can't leave this on a limb.

DENNIS SCHULMERICH: I don't believe it is in the purview of the Planning Board to determine how fast the Master Plan Update Committee can do their work.

DARIO MARCHIONI: I think there should be a time frame.

DENNIS SCHULMERICH: We can't. The Town Board --

DARIO MARCHIONI: We could ask them to give us -- they have a lot of this information. They could come to us and say, listen, here is the way we look at it, we can make a decision. We can't just leave it on a limb.

JOHN HELLABY: I agree with Dennis (Schulmerich). There are is more to this picture than just this parcel. We're looking at an awful lot of entities out here that have to come together as a culmination.

I think we would be hard pressed to have a time frame on a situation, whether it is a month or two, because I won't want to force the Master Plan Committee into that constraint.

JAMES MARTIN: Time frames, Keith (O'Toole)?

KEITH O'TOOLE: You can recommend a time frame. There is nothing wrong with that. It is just that it is not binding.

JAMES MARTIN: It is not binding.

KAREN COX: If it is not binding --

JAMES MARTIN: If it is not binding --

KAREN COX: Means nothing.

JOHN HELLABY: Come up with a time frame that works.

DENNIS SCHULMERICH: We can take the priority issue off line and keep it separate from this particular proposal and just reinforce to the Chair of the Master Plan Update Committee and the Town Board there is urgency. Can we get a project plan from them to define --

DENNIS SCHULMERICH: Give them a degree of freedom, what they need to do and how fast they can do it as opposed to predetermining the outcome for them.

JAMES MARTIN: I agree to that. That makes more sense.

DENNIS SCHULMERICH: It gets to Dario Marchioni's concern to keep the urgency on it.

JAMES MARTIN: Keep the pressure on the Update Committee. But lets not pinpoint a two-month, three-month period of time.

And I agree with what Al (Hellaby) said. This is more far-reaching than just these two parcels.

DENNIS SCHULMERICH: That is because Al (Hellaby) is always right.
(Laughter.)

MR. PAPE: Mr. Chairman.

JAMES MARTIN: I have made the motion.

MR. PAPE: Is there a chance we can address the Board before you guys act or not?

JAMES MARTIN: I think we -- the presentation is done. The public hearing is closed.

Keith (O'Toole), I believe we're finished?

KEITH O'TOOLE: We're done.

JAMES MARTIN: Okay.

On the motion, do I have a second? I will read it again.

JOHN NOWICKI: Second.

JAMES MARTIN: The motion has been seconded.

The Board was unanimously in favor of the motion.

JAMES MARTIN: Seven to zero, not recommended at this time, pending the results of the Update Committee.

Now, you have something that you --

MR. PAPE: I just wanted to point out a few things before you acted, but at this point we'll just continue our discussions. That's fine.

RAY BLEIER: Can the applicant go to the Town Council and still apply for a rezoning?

KEITH O'TOOLE: That's correct.

DENNIS SCHULMERICH: Thank you. Absolutely.

MR. PAPE: The key is to get the SEQR process started because most of the questions asked tonight we can't address until SEQR is started. It was my impression we were going to allow the Town Board to -- I understand the need for the Comprehensive Plan Update Committee to move forward and do their things. I just wanted to clarify the SEQR issue.

Just the wording of your motion gave the indication you didn't want anything to happen at all until that.

DENNIS SCHULMERICH: We're not recommending rezoning to the Town Board.

MR. PAPE: Right. Thank you.

DECISION: The Planning Board unanimously passed the following motion:

At this time, the Planning Board recommends that no rezoning of these parcels occur until such time as the Town of Chili Comprehensive Master Plan Update Committee completes its review of the Chili Center area of which the subject parcels are a part of. Upon receipt of such information, the Planning Board would

welcome the opportunity to rehear the rezoning request.

The Town Board will be notified of this decision by a copy of the decision letter.

The meeting ended at 8:45 p.m.