

CHILI PLANNING BOARD
February 9, 2010

A meeting of the Chili Planning Board was held on February 9, 2010 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: George Brinkwart, Karen Cox, John Hellaby, Steve Hendershott, Dario Marchioni, John Nowicki and Chairperson James Martin.

ALSO PRESENT: Ken Hurley, Town Engineering Representative; David Lindsay, Building Department Representative and Commissioner of Public Works/Superintendent of Highways; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Brad Grover 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: Paul Bloser was here. I believe he will probably be coming back in the room. He is Chairman of the Zoning Board of Appeals.

There are some changes to the agenda tonight. The first two applications under Public Hearings regarding the Estate of August Greco, at the request of the applicant, have been withdrawn, so there will be no Public Hearings on those tonight.

PUBLIC HEARINGS:

1. Application of the Estate of August Greco, c/o Frank Iacovangelo, Atty, 39 State Street, Rochester, New York 14614, property owner: August Greco & Laurence Torcello; for preliminary subdivision approval of three lots to be known as Greco Estate at property located at 1611 & 1615 Scottsville Road in G.I. & FPO zone.
2. Application of the Estate of August Greco, c/o Frank Iacovangelo, Atty, 39 State Street, Rochester, New York 14614, property owner: August Greco & Laurence Torcello; for preliminary site plan approval to extend parking area per plan submitted at property located at 1611 & 1615 Scottsville Road in G.I. & FPO zone.

DECISION ON APPLICATION NUMBERS 1 AND 2: Withdrawn at the applicant's request.

3. Application of BVR Construction, 244 Lake Avenue, Rochester, New York 14608, property owner: James & Robert Dugan; for final subdivision approval to combine six lots into one lot at property located at 8 King Road and five other properties bordering the 490 Expressway in L.I. zone.

INFORMAL:

1. Application of BVR Construction, 244 Lake Avenue, Rochester, New York 14608. property owner: James & Robert Dugan; for final site plan approval to erect an 8,000 sq. ft. shop warehouse with 3,200 sq. ft. office building at property located at 8 King Road and five other properties bordering the 490 Expressway in L.I. zone.

Jess Sudol was present to represent the application.

JAMES MARTIN: I will hear any comments from the public regarding the subdivision approval, since that is under a Public Hearing tonight, but any comments regarding the site plan will not be entertained.

MR. SUDOL: Good evening. My name is Jess Sudol with Passero Associates, and I'm here tonight on behalf of our client Chip Stevenson of BVR Construction. Unfortunately, Mr. Stevenson couldn't be with us this evening. I'm here tonight for final approval, both subdivision, site plan for a 3200 square foot office building and 8,000 square foot shop building located at 8 King Road, and it is just north of Route 490.

I have been here a couple of times already, so I will make the presentation fairly short. When we last left off, we had some comments from the Board that were reflected through the conditions of the preliminary approval and we also had some comments from the side table. We have worked the past two months to address the majority of all those comments, if not all of them, and we have submitted revised plans, revised engineering report, revised the Storm Water Pollution Prevention Plan and response letters to all those comments which the side table and all

the pond, one easement.

Nothing further.

KEN HURLEY: No additional comments.

JAMES MARTIN: Pat (Tindale), you had some comments from the Conservation Board. He has addressed those. I think it's only appropriate that if this goes forward, that, um, I would probably put in a condition that the applicant continues to work with the Conservation Board on landscaping details, and that the landscaping be subject to approval and inspection by the Building Department prior to Certificate of Occupancy being issued.

Does that sound like a reasonable approach to this?

PAT TINDALE: Quite reasonable. The only thing I would say, I think Jess (Sudol) just forgot we requested a berm which would raise it up a little, and provide more privacy.

MR. SUDOL: That's right. We're using some of our excess topsoil to put a small berm along 490, as well.

JAMES MARTIN: So they're complying with that.

PAT TINDALE: Yep.

BRAD GROVER: No issues at all.

JAMES MARTIN: Mr. O'Toole's request, a description of the easement and all of that, you will comply with that?

MR. SUDOL: Yes.

JAMES MARTIN: Keith (O'Toole), do you want that as a condition of approval?

KEITH O'TOOLE: Yes, please.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing portion of the application, and John Hellaby seconded the motion. The Board was unanimously in favor to of the motion.

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

DARIO MARCHIONI: Will all these be in drainage district? These combined lots will all be in a Drainage District?

MR. SUDOL: Yes.

JAMES MARTIN: I believe they will all be in or are already in. I don't have the property sheet.

Do you have the property sheet?

DAVID LINDSAY: I do not, but I believe that is accurate. They are either in or they will be.

JAMES MARTIN: All right. We did SEQR at preliminary, so there is no need to do SEQR tonight. We'll vote on the two applications on a separate basis.

James Martin reviewed the proposed conditions with the Board.

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

1. All previous conditions imposed by this Board remain in effect.
2. Applicant shall continue to coordinate final landscaping details with the Conservation Board. Landscaping shall be subject to inspection and approval by the Building Department prior to a Final Certificate of Occupancy being issued.
3. The applicant shall provide to the Commissioner of Public Works and the Assistant Town Counsel a complete description of all designated easements associated with the Storm Water Control Facility Maintenance Agreement (SWCFMA) to include all channels and pond perimeters. The SWCFMA must be approved prior to signing of the mylars.

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

1. All previous conditions imposed by this Board remain in effect.
2. Applicant shall continue to coordinate final landscaping details with the Conservation Board. Landscaping shall be subject to inspection and approval by the Building Department prior to a Final Certificate of Occupancy being issued.
3. The applicant shall provide to the Commissioner of Public Works and the Assistant Town Counsel a complete description of all designated easements associated with the Storm Water Control Facility Maintenance Agreement (SWCFMA) to include all channels and pond perimeters. The

of the Board should have.

So while we did submit all those revisions, I did want to just touch on a couple of key issues that came up at the last meeting to let you know how those were resolved and if there are any additional questions on those or any others, I would be happy to address them.

The first one I want to bring up, there was discussion last time with sight distance, because we had to go out and do some field verification, and we took a multitude of measurements, rather than your just standard look left, look right. That was resolved with Monroe County DOT, and they did accept our entrance as it was proposed and they did verify our calculations performed in the field, so actually they are recently ready to sign off on the plans and give us a permit to start construction, so we are all set with the County.

The other issue I wanted to bring up -- excuse me for a minute. There were some comments from the public last time about the storm water, which ran to the north, across a portion of our property, and into the adjacent property to the north. I believe, um, the property owner from this property (indicating) was here. Also some people with some interest to properties further to the north through this easement (indicating). I just want to explain that in a little more detail how that was resolved.

One of the things that was suggested at the time of the meeting was for us to take this sheet flow storm water and put a cross culvert under our road to let the drainage carry and continue to the north. We did not do that, and I want to explain why.

For starters, if we were to take all this water and concentrate it to a culvert and then discharge it to the north, what we would be doing is taking sheet flow and turning it into channelized flow which could possibly cause some erosion problems to the north and it would also be a detriment to this property (indicating). It certainly wouldn't benefit him.

So -- and the second reason, I'm sorry, why that is not feasible is because of the depth of our proposed storm sewer in our access road, there is not enough vertical elevation for the two systems to co-exist and for one to cross under or over the other.

In order to remedy that, we sized our pond to this storm water and treated it for both quality and quantity before it is discharging back to the north and into the wetland that currently exists just north of this storm water management area. So we have in-field inlets along this private access road that collects this water and conveys it up to our storm water management area. That will actually be a significant improvement to the gentleman that was -- or the gentleman's property that was here last time, because it won't be as wet, and that was one of the things that he was upset about.

The last comments I want to just touch on was there was a couple of outstanding comments with the Conservation Board. One of those had to do with our screening along 490. They had suggested that we take our deciduous trees that were proposed in that area along with the evergreens, just make them all evergreens, so we have a 365-day buffer set up between the buildings and 490, and we are willing to do that. We are going to be making that final plan change prior to submitting the plans to the Conservation Board for them to sign off.

The last one was just one of the species they were questioning, it could be invasive and some people say it is invasive, so we're just going to change that, work with our landscape architect -- yes, I'm sorry, our landscape architect and provide a different species and make sure that is reflected through our final plans.

We did receive some more engineering comments today, but they're pretty much all very small items. I went through them. There is nothing that we'll have any trouble addressing. We're pretty much at the point where we're making very minute changes to the plan. I think Mr. Hurley will reiterate the point it is something we can wrap up fairly easily. Those are the items I wanted to touch on. I will be happy to address any others, and I welcome any questions.

JAMES MARTIN: I have been through your response letter both to the Commissioner of Public Works and the Town Engineer and to the Planning Board comments. Fairly thorough response in every instance to those.

Could you just help me understand exactly how that water is going to flow across the site to get to the pond, to the north? I mean from elevation standpoint or topographic standpoint.

MR. SUDOL: Sure. Right now all of the water from King Road sheet drains to the north into this wet area here (indicating). When we bring our private access road in, it's in a sense creating a small damn to where that water no longer can pass. What we have done is provided some field inlets and a private storm sewer system in that road that will collect that water. That storm sewer system then runs along our road, into our site, and then travels north just about following this easement that you can see here (indicating) and discharges into our pond.

So the water is collected by our field inlets and is conveyed to our storm water management area by a new storm water system that we're proposing.

JAMES MARTIN: Thank you. That is all I have got.

JOHN HELLABY: Looks like pretty thorough job to me.

JOHN NOWICKI: Congratulations on an outstanding job.

MR. SUDOL: Thank you.

KEITH O'TOOLE: Just one comment. You're depicting a storm water management area with an access easement to the area.

MR. SUDOL: Yes.

KEITH O'TOOLE: My understanding is that you're going to be providing us with an easement to the pond itself. If that is the case, then graphically you should encapsulate the --

MR. SUDOL: Entire pond?

KEITH O'TOOLE: Yes. Then we'll have legal description that covers the access way and

SWCFMA must be approved prior to signing of the mylars.

JAMES MARTIN: If Chip (Stevenson) were here, I would welcome him to Chili.

MR. SUDOL: I will pass it along.

JAMES MARTIN: I hope he continues to be very, very successful. We look forward to having BVR in the Town of Chili.

MR. SUDOL: I will let him know. Thank you very much.

FOR DISCUSSION:

1. Midlakes Development -- for new concept plan for Greenwood Townhomes project at property located at 741 Paul Road in RB w/PNOD zone.

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

MR. CARUSO: I know Jack (Howitt) wanted to kick off tonight's meeting, and he is just coming in now, because he doesn't know the first two applicants were removed from the agenda. So just bear with me, but we needed the time to set up.

Jack (Howitt), we'll give you a second to take your coat off and let you start, but if I could just introduce ourselves.

I'm John Caruso with Passero Associates, and with me tonight is Jack Howitt, our leader of our project and Frank Imburgia. Also Jess Sudol our engineer and Betsy (Brugg) Brugg are -- our project attorney.

Tonight in our presentation we would like to look at two parts. We would like to go back into what we call the senior area of the project and go through some of the improvements and developments that we have done since the December meeting, and then I'm going to go through that rather quickly, and then I will move to the front part of the project, which we have all been looking at, and -- and talk more about what improvements we have done in that area, give you some statistics in how it has improved over the original plan. And then talk about where are we going from here.

So with that, Jack (Howitt)? I will introduce Jack (Howitt) to kick off our meeting. Thank you.

MR. HOWITT: Good evening, everyone. My name is Jack Howitt. I'm the manager of the Howitt Paul Road LLC, and the CEO of Midlakes Development and Construction.

I imposed on John (Caruso) this evening because I wanted to spend a few minutes speaking with you about aspects that really didn't fall into his particular category.

There is just several things that I want to cover. You have been looking at little black squares. Tonight you're looking at them as brown squares that represent the product that we expect to put on this property, product that I know is going to be a very unique product, and I wanted to tell you about that.

I also wanted to give you a developer/owner's overview of some of the things we have learned about this property that we didn't know, and I believe a lot of people did not know who were considering this property early on.

And then perhaps as the last couple comments, I would like to tell you a little bit about the impact, as we see it, of -- for doing detached housing in the front section of the project.

It will take just a relatively short time, and please bear with me.

We're intending to put here a town home that I'd be very happy to live in. One that you and your neighbors and others in the Town we expect would be very happy to call their home.

And I want to tell you some of the specifics about it, because you just can't see it when you look at a square or a rectangle on a map, or even when you look at a front and rear and side facade. That's just lots of little itsies and oddsies that you need.

Let's start at the exterior. We want to use maintenance-free, heavy-duty siding and trim, probably a Dutch lap which comes closest to replicating wood as you look at it. Heavy duty means that we're going to go in the .042 range of vinyl, and this is the stiffest and most resilient to weather, and also if you purchase the right brand name, it's impervious to sun and ultraviolet.

Of course, there is the unusual aluminum gutters and downspouts. All the entry doors will be steel entry doors, of course, insulated.

The garages are, as you know, attached. The garage doors, often overlooked, will be insulated doors.

Everything is going to be finished up to the house in hydroseed and all of the lawns are done in that fashion.

We're going to do architectural shingles. These are the shingles that give dimension as you look at them.

Of course, there is Tyvek vapor barriers over everything.

There will be convenience factors on the exterior of the house such as hose bibs not only in the back, but in the front so you can play with washing your car and doing other things in your front yard when you wish to.

There will also be electrical outlets outside, exterior in the front and the rear. The electrical services are going to be 200 amp electrical services. That will permit you to do anything you want in your house. Set a shop up in your basement, do whatever one might wish.

There will be a full low voltage wiring harness throughout the house. By low voltage,

we're speaking about Cat 5 high-speed computer cabling. That is the darling of the computers at this time. It's for those that will be interested in having computers in their house, which we're finding more and more folks are doing.

There will be phone outlets along with the Cat 5 outlets in every living room, every bedroom of the house. There will be cable outlets, all part of this low voltage.

Um, the great rooms will have 52-inch ceiling fans in them.

The floorings and the entry floor foyer, hallways, kitchens, bedrooms, laundries will probably be using dimensional look vinyl. We find that to be among the new floor coverings probably the most desirable, and easy to maintain.

Of course, there will be carpeting in the great rooms and in the bedrooms.

Each unit will have a security system. This comes with it. This is not an add-on. Everyone will have it, with two pads. One upstairs and one downstairs. All of the doors will be alarmed. There will be motion detectors on the ground floor and in the basement. And we will have an arrangement where there is a special off-site monitoring available for those who wish to have that.

Interior features.

We'll have ventilated wire shelving in all our walk-in and side closets.

There will be gas fireplaces in every great room.

We're going to use six panel doors throughout, and make sure that all door openings are done with 36-inch doors, not the 32-inch that are required by code, but the 36-inch that handles those with special needs, if and when special needs might occur. Walkers, wheelchairs, et cetera.

There will be 12-course basements. Each of the 12-course basements will have egress windows and wells attached to the basement so that the basements will be fully liveable, legally liveable space for you to do with as one might wish to enhance the living space within their house.

Window sills. We'll be doing Corian window sills, not the standard wood window sills. These are the ones that don't have a problem if you happen to leave the window cracked and a rainstorm occurs, or if you set your coffee cup down and it -- on the window sill and -- it's very easy to wipe up.

They will have granite on the kitchen counters. We'll be using solid wood, maple counters. We'll be providing all -- all of the appliances, refrigerators, dishwashers, disposals, microwaves. We'll even be providing for each unit washers and dryers.

We'll be using single-level faucets. We'll be using the faucets in the kitchen that pull out and are one piece, rather than having to go and use the hoses that you use.

We'll be doing Energy Star homes. We'll be providing excess -- excess of codes in almost all areas of insulation. R-19 in the outside walls. R-42 in the ceilings, as opposed to R-38 which you all are -- I'm sure most of you know are code.

There will be R-11 in basement. All of the windows will be low-e glass with a special low-e coatings. They will be argon-filled double glass, and of course, all will have screening enclosed. The furnaces will be 90 percent efficient. So will the water heaters be efficiency, high efficiency, power-vented, gas-fired hot water. There will be central air-conditioning.

Importantly, where we have party walls, where there is a jointure between two living spaces, we will make special effort there by providing R-11 plus sound proofing to RAL and STC ratings of 60. The STC rating of 32 is what basically you get in a standard 2 by 4 drywall insulated wall.

These are just some of the additional features that we expect to have, plus the greatest feature of all, is that there is nothing for the homeowner to do except -- oh, I'm sorry, or the renter of the home to do, but to pick up the telephone as we will take care of all outside and inside maintenance.

So much for our little squares and big squares.

When we purchased the land, we knew that several others before us had had this land and had failed to develop it. We knew that this was a wetland and we knew that this presented very -- difficulties. But we viewed this also as a positive. Wetlands is green space, and green space is what we want around our homes.

We did all of the appropriate tests. We dug shallow test holes. We dug deep test holes throughout the property. We had the property screened for historic value.

We had it checked and screened for artifacts. There were none.

We did market studies that said yes. The Town of Chili needed upscale rental town homes for seniors and, in fact, needed it for others who were waiting for this kind of living.

But there was things we didn't know, and those are the things that have been directing much of what we do.

For instance, we can start out saying we didn't know that we were going to have to develop a left-hand turning lane to get from Paul Road into our property. We knew there were wetlands, but we didn't know that there was an actual creek running diagonally from the corner by Paul Road, the eastern corner of Paul Road property diagonally to the other side across the property.

At that time, we didn't realize that that creek was going to require a bridge in two areas over the property.

In most properties that I have developed, we have needed to have one retention/detention, if you will, filtering pond because of the wetlands. Because of the arrangement of the non-wetlands around this property, we're going to have three of them, with one being a long-term detention pond.

We didn't know when we first started that there wasn't enough capacity in the Paul Road

sewer for this property. We have learned that the front section of the property can be accommodated in Paul Road sewer, but only that small section.

And that we would need to, as a means of developing the back part of the property, which is the majority of the property, need a large expensive pumping station, and one that we would have to develop that was larger than our specific needs because it would need to be developed to accommodate the yet-to-be-developed properties to the south and to the east of that pumping station.

We didn't know that we were going to have to develop over 2500 feet of force main to get the rest of the sewerage to Archer Road. That's -- folks, is about a half a mile. And that that forced main was going to have to be sized again, not just for us, but sized so that it could accommodate the properties that abut it along the way.

Our bridging the creek would force us to make a small intrusion on the wetlands. We weren't aware that we would exceed the allowed intrusion areas, and that wetlands intrusion was going to require us then to go and purchase wetlands that were off site to compensate for those wetlands.

We didn't know additionally that we would be forced to pay for a coordinating traffic signal at the Wegmans exit on Paul Road should one be required, and we understand that that's under serious review at this moment.

We didn't know, also, that it would be your wish to have us develop interior walks that represented 10,120 approximately lineal feet of walkway. That's two miles of walks within our property, including that one in front of Paul Road.

These are the surprises, the expensive surprises that weigh heavily on the development of this property.

The potential of doing or needing to do detached housing, detached development, in the front side of the property, plays a very significant economic role. The cost per unit, and the cost per unit does go up of any detached house -- I mean the -- the reasons are -- are logical. If you stop and think about it, you know, you have got two more sides of siding to do. You have got more windows to place. You have larger areas of roofing with overhangs.

By the very nature of it being detached, you have geographically fewer units for a geographic area or length that can be placed. But the same amount of infrastructure has to be placed. The same length of sewer, sanitary, and storm. The same length of water lines have to be placed.

All of these related to detached housing.

The extra costs of putting up detached housing we have roughly computed and find that they will not allow us to rent detached housing because the rental structure that is imposed by detached housing far exceeds that which our market study told us would be a barrier in this area of Chili. Actually, it's a barrier throughout the County that is run into.

The other very obvious problem that relates to detached housing is that, as I mentioned before, the diminishment of the number of units that can be accommodated on a similar piece of property.

To give you some idea of the importance, as we looked at the front portion of this property, that which you see projected behind you, and returned that to detached housing, we found that the very best we could do would be a diminution of some 9 to 10 units. 9 to 10 units when multiplied by the rents that we were anticipating from those, is the amounts of money that services debt in the amount of \$1.88 million. In other words, \$1,880,000 of debt servicing lost.

If we can't rent them, the only next thing to do is to sell them. As a developer with -- going onto 40 years of experience, my experience, my knowledge, my input from watching others has been that it's very, very difficult to sell a piece of property to -- to sell a home that's combined with rental property, that's contiguous with commercial property. It just doesn't work.

How do you know this, Jack (Howitt)? Well, it's -- it is more of an intuitive feeling than a knowledgeable feeling, but we did go out and I have sought other opinion. Unfortunately I haven't had time to have those opinions completed, but we have asked Buechner & Associates to provide opinion on sales of unattached housing, and I did get a preliminary draft today that while it's incomplete, does show that my indication is correct. You can't sell housing mixed with rental housing against commercial, and, of course, on a relatively busy road as Paul Road.

With infrastructure costs very high, with roads long, with multiple filtering and sediment ponds, two bridges to build, long sidewalks to create, pumping stations, forced mains, wetlands to purchase, traffic signals probably to buy, and very extensive engineering costs that relate to a property such as this, we can't afford to lose the density of housing. Or the numbers of housing.

So at the end of this meeting, after John (Caruso)'s presentation, we are going to ask you to recommend a highly modified version of attached units. We have heard your criticisms of too much asphalt. We have heard your criticisms of too much of a barracks look, and always, we have tried to respond to those in a meaningful and hopefully positive way.

We have even given up some of the commercial area to accomplish that.

I'm going to let you listen to John (Caruso) now to describe the engineering and design changes that we're bringing before you tonight. I just like to leave you with kind of one thought, and it is that this piece of land is not going to change. It's always going to be difficult. As it is studied more and more, the relatively high cost -- not relatively, the high cost of development is going to become more and more apparent, and as time goes by, it gets more expensive, not less expensive.

There may be other people to attempt to do this. We hope we're the ones that are allowed to do our attempt now. And thank you so much.

JAMES MARTIN: Thank you, Jack (Howitt).

MR. CARUSO: Okay. Thank you, Jack (Howitt).

Well, Mr. Martin, if I could, I think I would like to go to the part of the project where we left off and some of the things we were doing back in the senior housing portion.

(Train whistle).

MR. CARUSO: Should I let this train go by first? Only in Chili.

While we're waiting for the train to come upon us --

JAMES MARTIN: We're okay. It's gone.

MR. CARUSO: Where we left off in December for everybody's edification, we had brought a plan back to the Board, and our attempt back in the -- I will call this the senior housing component, our attempt was to try to get more room in this area here (indicating). We had taken a leap from 20 feet to 25 at the last meeting. We really didn't have a problem this way (indicating) because we're meeting all the minimum setback requirements between buildings. That really wasn't the case. It is always that we're being squeezed in this direction (indicating). So we came to you last time, and we -- we worked that out to another level, starting to get to around 25 feet, and I think the Board was liking what we were presenting. We were liking it. We were actually happy to be able to accomplish it.

But we still had that looped sidewalk was the issue at that meeting, I think, the -- the things that came out of that was they still wanted that additional sidewalk, and we were still concerned about the attached housing up in the front section.

So what we did, we continued -- I think that meeting left off that the Board members were going to get their comments to Mr. Lindsay, and David (Lindsay) did a good job getting his comments together and got them to us. We went through those comments and made another rather large significant change to the plan. We were very proud about it, brought it to the DRC meeting with Jim (Martin) and David (Dunning), and then Jim (Martin) took it upon himself to meet with you guys to see what you thought and still come up with some more --

JAMES MARTIN: One-on-one.

MR. CARUSO: One-on-one, of course.

JAMES MARTIN: There was no quorum present at any of those discussions.

MR. CARUSO: Thank you.

And what we were really trying to do, is how are we doing? We're looking for a report card on this, some feedback from you folks. And then we -- we heard back that there was some good things, so I just want to quickly take us through those things because I haven't been able to do that with you personally.

Jess (Sudol) took the time to put together for us just a quick blow-up of that area here. So I will ask you to refer to this -- this document here (indicating). This typical unit layout.

You can see here where we have been able to spread those units apart even more. John (Nowicki), I see you looking, so I will move this over there (indicating).

Maybe I should do this, huh?

And so with that, you could see that we were able to spread this apart a little more where we introduced -- in addition to the 30 foot wide gutter, a 4 1/2 foot wide tree/lawn area. There is the 5 foot sidewalk, and then there is the driveway, and this even turned out to be to the edge of pavement, 32 feet, but with the jog in the building, could even be 34 feet.

So this was our attempt to spread that apart. I think we not only were able to accomplish it on the tight side, but we also were able to provide the sidewalk on both sides of the interloop, which also service the Community Center here (indicating).

Other improvements to the area where the combination of asphalt and walkways were continued still through the areas demarking this -- this wetland area (indicating), and integrating the trail system. As Jack (Howitt) mentioned earlier, we're up to almost two miles of sidewalk and covered walkways in this area. We're able to do all this back in this area by still maintaining the 25 foot suggested buildable buffer from the wetlands.

We have added overflow parking to the back area, almost to the extent now where we have 4 1/2 spaces per unit. So it's -- it's equivalent -- the overflow parking is equivalent to a half a space per unit. That is incredible. The commercial area, guys, the commercial area has five spaces per thousand. The residential area has 4 1/2 per unit. So I think we have got the parking covered. That is what one were looking for, and I'm very happy that we were able to integrate that into the plan.

Also, we heard that we wanted more parking near the Community Center. So we have repositioned the Community Center and we have parking integrated both -- on both sides in front of the Community Center.

We have eliminated some retaining walls that came out of the engineering comments that they were impactable.

We have been able to minimize our storm water management ponds by combining a couple of them. I think Jess (Sudol) did a good job working with the engineers on that. We removed some landscaping that was at the toe of a slope that was improperly placed, and we have increased the details of the ponds that they were looking for in some of the design comments.

The other thing that we were able to do and maintain is still maintain a 25 foot rear setback in these areas (indicating) so there is still usable backyard, a place for a deck if they want it, but don't forget these units have a built-in patio off the corner of it. This, again, is the residential unit. This is the commercial area (indicating).

Finally just to note, the comments that David (Lindsay) had put together, we have been through these, and with him just on an informal basis, but at the meetings that we have had at

DRC, we coded what we can do and what are done design changes, and I'm happy to report that Jess (Sudol) has a really good handle on it, so I'm really not anticipating design issues as we would move forward.

So with that, I know I sort of moved through that quickly, Jim (Martin), but I would like to move to the front part if I'm okay with everybody.

JAMES MARTIN: Any issues or questions at this point?

MR. CARUSO: Okay, thank you.

So as a result of -- so here we are, we thought -- we got a good handle on the back property. Let's move to the front, and we still heard some comments come in. Not all of them were bad. We -- we heard that some people liked the changes that we made. They -- some people liked what was there but thought it could be improved. So we were sitting at a crossroads with the project, as you can understand, where Jack Howitt and his partners are coming from.

Do we do nothing, or push forward with what we had that wasn't going to be successful? You already told us what you didn't like about the project. Do we put patio homes in here? Ten patio homes won't do it. You just heard Jack (Howitt) tell why. With Jack (Howitt)'s going off the cuff from only 40 year's experience, and even though I listened to what he said, I said, "Listen, they will want to have something in hand."

And he said, "Okay. We'll go get the professional, do a market study."

We had a market study done before showing you residential serving the seniors. Let's go get somebody to look at this and tell us their opinion. We have gone and done this. We're not ready to release this to you because there are some typos in it. We're going to get that. But you know we're going to bring you proof on what we're doing here, reason behind it, solid ground in the decision-making that we're doing. And we really feel strongly that patio homes aren't going to do well here for many reasons. They won't sell well. They won't build well, and we're just not sure if the market will absorb it. And then a professional goes ahead and tells us that is the truth, so what can we do here?

So we decided to take the option that if you -- if we really want to have this project be successful, and we're all stuck on this one spot, that we needed to make a design change significant enough to you that when we brought it to you, you would like it. Because if you like what we're proposing to do here, then you will support hopefully as we move to the next step.

Because unfortunately, our next step is going to have to go to the Zoning Board of Appeals and ask for a use variance. We need to get this attached issue behind us so that we can get back on track with what we're doing with you.

And so this is our attempt to do that. And so we totally redesigned the front section of the project, and if you give me just a minute, I will take you through some of the things we have done and what they mean to you.

To begin with, we reduced the number of units to 32 units from 36, and if you would, please reference this comparison that Jess (Sudol) has put together for you. You can see where we were immediately looking to take the orthogonal design development which is very, very efficient, take that barracks look out of the project and start to integrate some curvilinear effect. You can see the buildings we have sitting here curve. We kinked them a little bit. We're taking the lineage out of the design to some extent and where we could to try to break up the angles of the placement of the buildings.

Because we have already shown you from our last presentation that we -- the buildings itself already move from three different types of roofs, from the -- from the square, the bull nose roof and then the hip roofs and the fake dormers and false dormers over all of the different facades. These buildings do change a lot and from where they placed when you move by them, the setbacks that we're offsetting here on these plans -- I will show you that, too -- I think we are -- we're going to be able to achieve what we're looking for.

The first thing we did is reduce the setback. We eliminated the barracks, and we did that by changing the building. Now, if you look at the old plan or if you can remember the old plan -- excuse me, we had four-unit town homes in here. And what we did, is we introduced a duplex unit and a triplex unit into this area (indicating).

Now what that does is allows us to have space between buildings, you know, that typical side setback. In addition to doing that, it removed that inner rental part of the town home. So now we went from having 16 end units, to almost double. So we have more end units -- we have 24 end units in this section (indicating). That's eight more than we had before.

And the -- the good news about that is that end units rent well. People like to live in the end unit. People who live in duplexes also get along. They're neighbors with each other. They treat each other with more respect. I think this whole thing is a whole better take than where we were. I really do.

I -- you can form your own opinion on that, but I also would like to point out that we were talking about ten patio homes is the maximum that we could get in here. We have 12 buildings. And the duplex buildings are about the same size as a patio home would be. So for those of you that were advocates of a patio home, we essentially have gotten it down to that type of building. About the same massing of the building. And it being sited in the fashion that we have with some curvilinear, the offsets, and these buildings aren't at 20 feet. They're at 25 feet back from the roadway. So we're able to achieve that, as what you were looking for in the back, the same up to the front. Now we don't have 32 feet, but we have 25 feet.

So how did we do that? There is no pain, no gain. We did that simply by doing this: We cannibalized a little bit on ourselves. We did that by taking the sidewalk and buffering we had here and shifted it over to the other side of the commercial access. We redesigned the

commercial frontage to move the bigger pad site to the front, and to put the smaller pad site to the back. What that allowed us to do, is when we reshifted the road -- you can see how this road here is more close towards Paul Road.

When we reshifted it here, it put it back here (indicating) and it lined up with us moving this road back. Again, you know me when I bring stuff, I like to it have it square and like my streets aligned. I don't like offsets in a parking area. That is what we would have had. We would have had this guy still here (indicating) and we would have had this offset (indicating).

So we not only changed the design of the residential area, but we also changed the design of the commercial area, I think for the better, because some people who know better than me about commercial real estate said that it would probably be better for all of us, including the Town of Chili, for this pad site to be out here (indicating), because if this does go to something that we all would like to see in here, it would be out in front, not stuck back in the project.

So the -- the street alignments worked out for us. We got a better, um, layout of the commercial area, but I told you that with no pain, no gain. So in addition to reducing the units up front, and increasing the green space there, we did that by minimizing some of the commercial area that we're proposing in the project.

Jack (Howitt) mentioned that in his conversation and presentation earlier. But we really -- we really did go into this area and pull out about 5 percent of the commercial real estate. So no longer are we asking for 52, 53,000. We're down to 50,000 in the commercial area, and some of that area here (indicating) we used to offset when we moved our buffer and sidewalk in there. And that's where we grew a little space in here, so we had backyards here (indicating).

And we're able to take the project and do this with it (indicating), spread it apart. That is how we made up the space between the duplex units, because you -- you know that when you take a four-banger and you take it apart, you have to put 15 feet, 20 feet in between these units. We were able to do that in this area. So that is how we did it. We -- we made space by making a significant design change that included highly valuable commercial area.

So no pain, no gain. They really stepped up and allowed us to do that.

So that is one of the other things in this layout that we were able to achieve.

Some of the fluffy stuff that Jess (Sudol) likes to add into the plan. We have a boulevard in the middle of our long stretch. That breaks it up a little bit. This little mall, the island you see in the middle there, there is another use for it. I call it traffic-calming. You put that -- anything in there, it keeps the traffic speeds down a little bit. It also gives a little integrity. This is a residential area. It looks nice.

We have a little bit of overflow parking that we added to it. Along our sidewalks that travel through the area, on the corners of the loop you notice we added some benches in a grove of landscaping.

We're able to reduce our sidewalk length from the previous plan -- I'm sorry. Our roadway length from the previous plan, reduced from 1600 feet down to 1385. So the reduction in 215 feet of roadway was trying to address that sea of pavement that one of you came up with. Jim (Martin) didn't tell me who said it. I want to know. No.

Again, we heard too much asphalt. We reduced 215 feet of road.

We increased our green space from 49 percent to 55 percent in the area.

And we -- we increased the usable space of the rear yards, and here is one of the things I'm really pleased about. If you look at this plan, this was a comment from last -- last -- or December, I'm sorry. This backyard here (indicating), there are 16 units in here that face each other, 16 social conflicts. This plan has zero (indicating). We eliminated -- not one unit looks at the back of another in this design (indicating).

And then another amenity that we added along the sidewalk here, in this area here (indicating) had -- it had a -- a little more green space than most of the other areas, and I didn't want to introduce it over here (indicating), so that you can see we put a little passive area in there, some benches to sit down, people who want to walk up, take a seat. You will notice throughout the project and back into the senior housing, that there is park benches along the entire walkway system.

If you look on your plan, you will find it.

I guess finally while we're talking about the walkway system, the last improvement to the front area that I want to talk about is the sidewalk system. When we stopped and redesigned it, we had to reconnect it all, and part of those improvements where we wanted to do a little something here (indicating), I pointed that out. We continued to carry it through and across the parking area. It ties into the commercial area, so we have this contiguous areas and we brought the walkway all of the way across and tied it into the point where the cross access is proposed at Wegmans. So we didn't leave that pedestrian foot path out. We had before. It was a mistake. It is a good idea to put it back in, so there it is on a plan.

I think we have been able to do all this without just looking at it from a two-dimension. We also looked back and how would this look on our grading plan and does this work. Because we know the next step is if we're allowed to proceed, this all has to work in the design field and we don't want to generate a bunch of comments this is not constructible.

We looked at separations from the ponds and the grading that is going to occur in this area (indicating). And the proximity and the real buffering that we are going to be able to allow in this area (indicating). We were concerned about the units that face Paul Road and the buffering we'll be able to provide here (indicating), and yet there is still a drainage ditch -- well, it is a County road now.

And so we have some screening here (indicating), but you notice we didn't put this over

here (indicating) because we know that is really not constructible. So we looked around and tried to make sense what we're proposing to you is something we'll actually be able to deliver on.

And so with that, I present to you the revised changes to the front part of the project. We hope that you like it. We would like to hear your comments and questions on it. We're ready to talk with you. I have a whole team of people here to help me, and hopefully if you like what you see, if we were able to achieve it, our -- our goal here was to really change the design so you like it because we are going to want to proceed to the Zoning Board for a use variance, and we know that that use variance is going to be tough to get, and we really want support from this Planning Board on this new plan.

Thank you.

JAMES MARTIN: Thank you, John (Caruso).

Um, I will start off by saying that, you know, you listened very carefully to the feedback that came out of the sessions that I had with the individual Board members, and this certainly has a very significant redesign over what we had, which a lot of us were unhappy with, obviously.

I will comment that you did manage to hold your total number of units at 110 by adding a few more back into the senior area, and those changes are not too dramatic if I look at what was on the plan you previously presented versus what you are currently presenting to us tonight.

You know, as I look at the overall plan, um, I -- I see a couple little things. I'm not sure, you know, that the -- and probably George (Brinkwart) will pick this up, you know, the sidewalk configuration in the redesigned Paul Road section, it does leave some of those units closer to the road without any sidewalk, and I don't know if that is a major issue. I will let some of the other Board members comment on that at this point, but...

But certainly I see dramatic improvement anywhere we were based on this plan. You have made the connection, at least the pedestrian connection over to Wegmans. Maybe somewhere down the road we'll actually get a -- a vehicle connection, but that is important for people that might want to walk over to Wegmans or Target.

And, you know, this -- this looks to me much better than where we were. So I will go to the Board and listen to other comments.

Steve (Hendershott)?

STEVE HENDERSHOTT: Thanks, Jim (Martin).

I would like to echo Jim (Martin)'s comments. It's -- you really have tried to respond to all of the comments provided by the Planning Board, and, um, my past experience with Passero is that you have done that, and I appreciate that you continue on with it.

I do have a couple of questions to ask you, John (Caruso). It goes back to the roads. I think we have gone through this. I think I know the answer, but I want to hear it from you. Are the roads through here, even though they're going to be private, and you have indicated that, are the roads built to -- are to be built to Town standards?

MR. CARUSO: Yes.

STEVE HENDERSHOTT: Both the specs and dimensions of them?

MR. CARUSO: Yes. These are 20 foot wide roads with a 30-inch gutter with a standard base. We have the same equipment coming on these roads that come on our subdivision roads, including refuse collection and snowplows.

STEVE HENDERSHOTT: I'm just thinking to the future, and, you know, some of the issues we have had in the past in the Town, so if the day ever came that the Town would be looked at to take over those, and it no longer be private, this is -- this is the time to insure that --

MR. CARUSO: Steve (Hendershott), let me just make sure I -- we plan on putting a 12-inch stone base, 2 1/2 inches of binder, inch and a half of top. I don't know if the Town uses 5 inches. That is what we propose.

It is definitely a capable load and we use under drain. Town uses under drain. We use under drain in our projects. That is what makes roads last a long time, when they're drained. I just wanted to clarify that.

STEVE HENDERSHOTT: Thank you.

Jim (Martin) alluded to it, and I would just like to know what the status of egress for vehicles to Wegmans's property is? I know it has been talked about it. It looks like on the drawings that there is a provision made that that can be done at some time in the future, along with that pedestrian cut-out. Have there been any discussions about that further?

MR. CARUSO: Well, I wish it had -- it has gone any further. It hasn't. We maintain that if Wegmans is required to put up a signal light from their relationships with the Target project, that we would participate at some fair portion. We never looked to skirt that. It is actually beneficial for us to have that with our project, and to integrate with them.

We met with them, we had preliminary designs with them. They asked us to modify our design to the one access, which means there was good feedback. If they didn't like it, they would have said nothing. You know, don't -- they wouldn't have even met with us. The reason why we don't have a response for you is because the revised traffic study hasn't been completed by the County to where they have responded back yet to the -- and I believe that David (Lindsay) has introduced some additional comments that he wanted addressed by the applicant, and I will tell you why we know this, is because we anticipated this comment and we went to find out where this thing was.

And so the -- the problem that we have is just they're not done with what they're going to require. But if they do require a signal light, we're going to wind up participating in the cost of it in exchange for what this -- this access. That is the story. Okay?

This is -- this is a very difficult piece of property to develop, and I think you have worked

very hard to do that with something very suitable for the Town and in keeping what was in mind when the PNOD was created over -- the last question I have is on the pond, you have indicated two of them as storm water management, and that there is extended detention. Will -- will those ponds retain water continuously throughout the year? Is that the intent of them, so there will be water in them, or will there be times of the year if we don't have, um, very much rain that they will be dry?

JOHN CARUSO: The days of detention ponds are pretty much gone. All of the storm water management areas by design now hold water, because of some of the settlement and flocculation properties that they offer.

So the extended detention pond, Jess (Sudol), will that always hold water?

MR. SUDOL: All three of them will.

STEVE HENDERSHOTT: Will have water?

MR. CARUSO: Yes.

STEVE HENDERSHOTT: That's all I have.

MR. CARUSO: Thanks, Steve (Hendershott).

KAREN COX: I just want to say I like this plan. It's a lot better than the -- than the previous one, especially with regard to the front units.

MR. CARUSO: Thank you.

KAREN COX: So I appreciate you listening to us.

The one question I had -- it looks as though the -- the highway -- or the road where that island is, near the redesigned units -- is widened. Is that so -- is that to allow the plow to be able to work through there?

MR. CARUSO: Yes. We tapered it out and around because of the island in the middle. Jess (Sudol), is it -- is it any wider than ten? Did you give it more than ten?

MR. SUDOL: We gave them 12 feet because if it is a single lane --

KAREN COX: Either side?

MR. CARUSO: Yes. Little room to wiggle.

KAREN COX: Good. That is what I was hoping to hear. Other than that, that is all I have.

MR. CARUSO: Spoken like a true engineer.

JOHN HELLABY: This is a lot more palatable than the barracks look, I will admit. It is quite an improvement.

A couple other things. It is not real clear to see on this drawing, and I don't remember, there is a lighting district? There are streetlights?

MR. CARUSO: There's -- there is limited streetlights and then we light a lot from the building. We light a lot of the roads from the buildings. There are streetlights sprinkled on the project. It is not a lighting district. It is part of the residential project, so it is not created in a tax -- and -- and taxed to the residents.

JOHN HELLABY: There was some talk about the separations. Just out of curiosity, the basement separations, are those to be framed, walled and insulated? Are they masonry walls?

MR. CARUSO: The basements --

JOHN HELLABY: The separation wall.

JAMES MARTIN: Under each unit.

JOHN HELLABY: Under the units.

MR. CARUSO: Masonry.

JOHN HELLABY: They are masonry walls in between the units.

MR. CARUSO: Yes.

JOHN HELLABY: Does that mean each unit has its individual storm drainage as far as the sump crock and sump pump, or is that going to be taken care of on an end unit? The point I'm getting at is who is going to be sort of manning the ship on the basement drainage situation?

MR. CARUSO: You know, how the heck do I know the answer to that question, John (Hellaby)?

JOHN HELLABY: Curiosity question.

MR. CARUSO: Here is how they do that. It is a little bit down the road. It is usually determined by the architect. On a four-plex they put one on each corner. On a duplex, there will be one for one building. Because the perimeter drain doesn't really travel that far on a duplex. I don't know how we'll do it on a three-plex, but to answer your question, there is usually two per four-plex, two crocks, one in each end.

JOHN HELLABY: It is just a curiosity point. I never really thought about it much, but if Betty goes downstairs and decides to do some laundry and knocks the plug out, I'm sure she is not going to have some happy neighbors down there.

MR. CARUSO: I know what you're saying. Well, maybe that is something that we'll look into as far as an alarm system.

MR. HOWITT: I can speak to that.

MR. CARUSO: Is there an alarm system tied into it?

MR. HOWITT: There isn't alarm systems tied into it, but we -- and I'm sorry I didn't include it in my description, but we put a -- a crock and a sump pump into every basement.

JOHN HELLABY: There is one in every basement.

MR. HOWITT: In every basement. We don't have one rely on the other. Though, the way it works out, in the event of a failure, we're all tied together so that the adjacent is able to pick up steam and -- until we discover it, and -- and have it reported for maintenance repair and replacement.

MR. CARUSO: Because there is no way to separate the foundation drain in a building, so he ties it into every -- that way is fair. You have double redundancy.

JOHN HELLABY: The only other comment I have is, I guess I would have -- you know, I would like to hear what the Architectural Review Committee would have back now that we have eliminated the stagger look across the back and it is now all one unit, or one wall per se. Granted there are stepped roof lines and whatnot, but I would like to hear their comments just to make sure the architectural treatment is correct, it doesn't overwhelm somebody.

MR. CARUSO: I had the same concern. I think it is more -- it was more of an issue with this project (indicating) than it is this one (indicating) because there is only one four-plex here (indicating). It would be hidden by that big grove of trees.

JOHN HELLABY: I'm thinking about the senior citizens, as well.

JOHN CARUSO: I don't disagree with you, but the senior ones in the back, you probably might not see that project from the road. There is a big knoll on The Father's House property that prohibits you, and a whole tree line there, it may be hard to see that project from the back.

JOHN HELLABY: But somewhere down the road, you're liable to have neighbors that will see it from the back.

MR. CARUSO: Yes.

JOHN HELLABY: So that is all.

JOHN NOWICKI: John (Caruso), I just want to first of all congratulate the team that you have put together, meaning architectural, engineering, legal and the developers, for working very, very hard with this Board, and I'm sure the Zoning Board, too, as you get to that point to bring this plan before us, because I certainly like it.

MR. CARUSO: Thank you.

JOHN NOWICKI: You have done a lot of hard work on it. I appreciate the work that the team put into it.

I'm just curious, these are all rental units?

MR. CARUSO: (Nodded affirmatively.)

JOHN NOWICKI: Will pets be allowed? Is it too early to ask that question, or no?

MR. HOWITT: Yes.

JOHN NOWICKI: Too early?

MR. HOWITT: No. They will be allowed.

JOHN NOWICKI: Will not be allowed?

JOHN CARUSO: I thought he said before pets are allowed.

JOHN NOWICKI: Pets are allowed.

MR. HOWITT: There are pets. We do pet-friendly properties. However, there is about five breeds that are not allowed. Starting with Dobermans, Pit Bulls and so forth, which our insurance companies just won't allow us to have on site. But, you know, the usual jump-on-your-lap pets are welcome.

JOHN NOWICKI: Just want to make sure of that one.

The rental rates, probably not been established yet. They're going to be the same for all of the units? Or will they be different between the seniors and others?

MR. HOWITT: They will be the same for all -- all of these units will be essentially identical, other than the differentials we'll do with regard to color of siding, color of -- of headers and pilasters. They will have, you know, from -- from place to place, different color shingle -- or rather different colored -- what am I looking for?

STEVE HENDERSHOTT: Shutters?

JOHN HELLABY: Shutters?

MR. HOWITT: Pardon?

JOHN NOWICKI: Shutters?

MR. HOWITT: On the side of the windows.

JOHN HELLABY: Shutters.

JOHN NOWICKI: Shutters.

MR. HOWITT: Tough word, "shutters."

But we'll have different colored shutters. We'll probably have four to five different kind of color schematics that go throughout the project in variations. And -- and the differential, just to answer your specific question of cost, will be between the end unit and a middle unit. The middle unit will be a little -- a little more genteel than the end units.

JOHN NOWICKI: Will there be any other charges for the people that will live there?

They will pay a rent. There is not going to be any -- like association charge or anything like that?

MR. HOWITT: There will be. But -- but just by the nature of having individual -- having individual lots, we must do an association. However, that will be paid for by the management company. In other words, it's included in your rent. So they will pay a rent. We'll make the contribution as required by law to such things as reserves for road, reserves for the roof and outside, and various maintenance items, and then that's all just part of their rent. There is not an extra charge beyond the rent.

JOHN NOWICKI: This is a very, very attractive project. I think it is going to be a hot one.

MR. HOWITT: I sure hope so. We -- we aim to do it.

JOHN NOWICKI: Thank you very much.

GEORGE BRINKWART: Hey, John (Caruso), I want to continue a trend here and compliment you on all of the hard work you did on the redesign. I'm very impressed you were able to get four more units in the senior section and still not have it look like it's crowded.

Actually, you know, I think it came out very nice. My compliments.

MR. CARUSO: Thank you.

GEORGE BRINKWART: I also like the -- the treatment that you gave around the -- the parking areas and -- with the sidewalk, and I would like to ask you to continue that trend on those parking areas that don't have the sidewalk treatment. I think you did a nice job on including that in some of the areas.

MR. CARUSO: George (Brinkwart), can you expand on that so I can follow you?

GEORGE BRINKWART: The easiest one to point out is the one up in the front area, on the sidewalk, that goes around the parking area. You -- you've incorporated that design in a number of the parking lots, and I guess I'm just asking you to continue that in those that do not have that.

MR. CARUSO: I see.

GEORGE BRINKWART: Are you seeing -- are you getting what I'm driving at?

MR. CARUSO: Just one and around here (indicating)?

GEORGE BRINKWART: Yes.

MR. CARUSO: I see it.

GEORGE BRINKWART: You did a nice job on doing that.

MR. CARUSO: I don't have that plan. It's up there (indicating).

KAREN COX: It seems like it might be just a -- like a drawing error, you know, that -- that the sidewalk --

MR. CARUSO: Stops.

KAREN COX: Goes around three sides of some of the little parking areas, but not others. It is just --

MR. CARUSO: Yes. We'll just go up and around. I see what you're doing. We did it on the inner circle. Okay.

GEORGE BRINKWART: The other thing I wanted you to maybe take a look at, and that is your entrances. I'm wondering if it might be in your best interest to include a left-turn lane, so that those folks that want to get out to make a right turn wouldn't be held up by those people in queue to make a left onto Paul Road.

KAREN COX: Internal -- an internal turn lane?

GEORGE BRINKWART: Right. Right. On your -- at your entrance locations.

That's all of the comments I have.

DARIO MARCHIONI: I have a couple. Compliments, John (Caruso).

Did you hear me?

MR. CARUSO: Thank you, Dario (Marchioni).

DARIO MARCHIONI: John (Caruso), I have a question. In reviewing in the past where the project next to -- to the south of this project, um, in fact, you did the engineering on that?

MR. CARUSO: Archer Meadows.

DARIO MARCHIONI: Archer Meadows. I noticed there was a road, like an emergency access, that was -- that would be connected to this project.

MR. CARUSO: When we did Archer Meadows, without knowing what was going to happen on this property, because the Fallon PNODE had ceased to exist, we left a 60 foot right-of-way in case this went residential subdivision, and so that we had a 60 foot right-of-way to attach a roadway from this project.

Again, we were -- we were thinking, um, connectivity to Paul Road. And I don't know if you recall, a lot of these Board members were there, but we had the concern about cut-through with people start cutting through if we allowed that to happen. So on the Archer Meadows project, over in -- over in the corner here (indicating), we preserved a 60 foot right-of-way to attach to this property should this be developed, but it is not developed in that way, and these are all private roadways, so it didn't make sense to continue that, but it was planned.

DARIO MARCHIONI: I was -- just brought that up because I thought it was there. Do you know what is happening to that project, by the way?

MR. CARUSO: No, I don't know what is happening to that project.

DARIO MARCHIONI: You don't know what they're going to do. Okay. That's all of the questions I had.

MR. CARUSO: Thank you.

JAMES MARTIN: You had already brought it up in your presentation that, you know, Planning Board looking favorably upon the redesign of the Paul Road section, um, that going ahead and putting in attached units would generate the need for a use variance application to the Zoning Board. I just want to reiterate to the Planning Board that you have accepted that position, and that's -- that's where we're at.

MR. CARUSO: Yes.

JAMES MARTIN: As far as this particular aspect of the project.

Assuming then that we went ahead and granted the 278 request for the cluster development, um, essentially some of the setback issues and all of that would be addressed as part of that, but that issue would still be separate --

MR. CARUSO: Yes.

JAMES MARTIN: -- from that. Okay.

I don't have anything else. I will go to the side table at this point. Any issues or questions at this point?

KEITH O'TOOLE: Having just received the plans, it's tough to comment on them. And certainly we don't have lot lines or dimensions of that sort, so it is still a sketch at this point.

JAMES MARTIN: Right.

KEITH O'TOOLE: I don't know if the Board may find this helpful, but perhaps you may want to have the applicant's design consultant submit a response to the letter issued by Mr. Lindsay on behalf of the Board. That would be the punch list letter of December 24th, and perhaps he could go through it at the next meeting and show us where he was able to address those individual concerns and where they couldn't.

Nothing further.

JAMES MARTIN: Right. I -- I think, Keith (O'Toole), that when they came in to the DRC, they highlighted those things that they had completed, those things they agreed to do, and those things that were still outstanding, so I -- so I don't disagree with you. I think it would be good, assuming we move ahead to preliminary on this just to be sure we have covered all those aspects, because most of them were engineering comments, if I recall correctly, from -- from, you know, the letter that Mr. Lindsay sent to you on the 24th.

Thank you.

MR. CARUSO: Keith (O'Toole), were you suggesting that we do that at the Planning Board meeting or DRC meeting?

KEITH O'TOOLE: At a Planning Board meeting, for the record.

MR. CARUSO: Do you think that we would want to bring that back at a Planning Board meeting?

JAMES MARTIN: Well, I -- I think --

MR. CARUSO: I can respond to it in writing --

JAMES MARTIN: If you want to respond in writing, that would be fine at this point. If there is any continued discrepancies or issues, we certainly could address them at that point in time. That might be the simplest way to move ahead with that. It was quite a list, and -- so that would be fine. For the record, we would have that response.

DAVID LINDSAY: It will take a little bit of time to kind of digest what we have here, but I think George (Brinkwart) touched on a comment we had as far as the sidewalks and the ancillary parking areas. I think that will be addressed if they wrap that sidewalk around it, or lengthen the parking a little bit so you can run it along the front of it.

The only other comment I would have at this time I would think -- you don't know what is going to happen with the parcel to the east, John (Caruso)? That 16-acre parcel, but if it did go private, um -- I don't know if you would be adverse to providing an easement for secondary access to that parcel. About where the eyebrow is. You have those few homes there. For access through there. Something to consider.

MR. CARUSO: Okay. That's all I have at this time.

KEN HURLEY: From a design standpoint, I think they did a real good job of trying to address everybody's concerns, and they definitely had a lot of concerns to address. I will give them credit for really doing the best with what they have. It looks nice, and I look forward to getting some review plans at preliminary.

MR. CARUSO: Thank you.

PAT TINDALE: I'm just looking at this, wondering if we'll see any revised landscaping, especially on the commercial?

That's it.

BRAD GROVER: No comment.

JAMES MARTIN: Anything else at this point?

Um, I guess I will try and summarize for the Board, this looks like a very nice plan at this point. I appreciate your patience in working with us. I appreciate Mr. Howitt's patience working with us. This is such a sensitive piece of property in the Town, and I have been very up front with everybody about that, from the get-go on this. That we really wanted a -- a very acceptable, very well done design on this piece of property, and I think what you're presenting to us tonight achieves what we were hoping to eventually arrive at as far as this particular project goes.

So I don't have anything further. If there is any more comments from the Board. If not, thank you very much, and John (Caruso), Jack (Howitt), Jess (Sudol), Betsy (Brugg), everybody that has been working with us on this, and -- we look forward to when you come back.

MR. CARUSO: Okay. We will -- we will respond back to the comments that -- I think it is appropriate now that we have some direction, that we'll form a response back to the Dave Lindsay letter.

Um, is it -- would it be a formal or informal recommendation to the Zoning Board from this Board that they do like the plan? I know Paul Bloser is here tonight, but is there any feeling on -- on any of that, any support from this Board?

JAMES MARTIN: You know, the -- the response letter, I will draft based on tonight's presentation and dissertation and comments from the Board. I will include in that letter that the Planning Board, at this point in time, looks favorably upon this plan, and Mr. Bloser will get a copy of that.

MR. CARUSO: Great.

JAMES MARTIN: And the other Zoning Board members will get a copy of that if that is acceptable to the Board to make that comment.

MR. CARUSO: We would appreciate that from all of you. Thank you.

DECISION: Based on the comments from the Board during the review of the proposal, it is apparent that the applicant has listened carefully to all the feedback from the Board and other agencies and has presented a revised plan that the Board would

be willing to move ahead with.

The Board looks forward to working with the applicant to complete the approval process.

The meeting ended at 8:34 p.m.