

CHILI PLANNING BOARD  
February 14, 2012

A meeting of the Chili Planning Board was held on February 14, 2012 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: Richard Brongo, Karen Cox, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Michael Jones, Assistant Counsel for the Town; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Pat Tindale, Conservation Board Representative.

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

JAMES MARTIN: I will recognize Paul Bloser in the room, Chairman of the Zoning Board of Appeals.

PUBLIC HEARINGS:

MR. JOHN HELLABY: Mr. Chairman, I would like to recuse myself for the first application this evening as I am employed by Wegmans.

JAMES MARTIN: You are recused, Mr. Hellaby.

1. Application of Wegmans Food Markets, owner; 100 Wegmans Market Street, Rochester, New York 14624 for preliminary site plan approval to erect a 40 foot by 70 foot storage building with a 40 foot by 24 foot covered pad area at property located at 249 Fisher Road in LI zone.

Caitlyn Ostrowski and Art Pires were present to represent the application.

MS. OSTROWSKI: Good evening. Happy Valentine's Day. My name is Caitlyn Ostrowski here representing Wegmans Food Markets from the Site Development Group. I have also brought with me Art Pires, who is also with the Site Development Group.

We're here tonight requesting preliminary site plan approval for the construction of a 40 by 70 square foot building with a 24 by 40 awning, with a covered awning, and if all goes well tonight, we're also requesting you waive final site plan approval.

We attended the Conservation Board meeting on the 6th and all went well there. And I have received comments from the Town Engineer for setback requirements that he wanted.

So right now -- so this is our -- this is our campus currently (indicating), and this is Chili Ave./Fisher Road (indicating), Jet View Drive (indicating). This (indicating) is our office building, our conference center (indicating), and our proposed location is down here (indicating) by the current volleyball courts. One of them is no longer in use and that is where we would like to place our building.

This is approximately 690 feet from the right-of-way of Fisher Road.

So we're proposing our building to be 40 by 70 with a 40 foot by 24 foot awning. The building will house some of our ATVs and golf carts that we use on campus for events, and it is -- mainly will be used for the Events Services Team that is on campus housing all their stuff in one place.

The awning will be used for our picnic tables that we currently have outside in the elements. We just wanted to get them undercover so they last a little bit longer.

We also have a propane cage and a gas cage outside of the building to house some of our propane that we use for our grills during the summer, and then the gas can cage will have the gas in it for the ATVs and whatnot.

The exterior of the building is going to be the ivory light white finish that is on most of our buildings that are on campus.

We're proposing two lights over the doors. No other lighting will be proposed around the building itself, just over that overhead doors.

This will only be used by Wegmans employees for storage purposes only. No maintenance will be going on in this building. That is done elsewhere.

And we have also proposed four maple trees in front of the building to help shade it a little bit, or you know, guard against the roadway.

All our utilities are in close proximity. We'll be having electric and water run to the building. It won't be heated. Only what is necessary for its building purpose because it won't be

used in the winter; just as storage.

So if you have any questions, I will take them.

JAMES MARTIN: No toilet facilities?

MS. OSTROWSKI: No restrooms.

JAMES MARTIN: The storage item for this particular building, is it just for things you use on the campus itself? I know you sponsored the LPGA and you have other events around. Is some of the equipment that is used in those activities also going to be stored here?

MS. OSTROWSKI: It is mainly the equipment we just have on campus. It is scattered around campus and we would like it to be in one location, easier to access by the people that use it.

JAMES MARTIN: So primarily lawn mowers and that type of equipment?

MS. OSTROWSKI: Yeah.

JAMES MARTIN: No additional parking?

MS. OSTROWSKI: No additional parking.

JAMES MARTIN: Okay.

PAUL WANZENRIED: Did you say lawn mowers?

MS. OSTROWSKI: Golf carts and ATVs, but there will be lawn equipment in there also.

PAUL WANZENRIED: Do you have a number as to the approximate number of vehicles you will store in there?

MS. OSTROWSKI: Six to eight.

PAUL WANZENRIED: What else will be stored in there?

MS. OSTROWSKI: Just basic lawn equipment. Nothing major. There may also be a forklift in there.

PAUL WANZENRIED: It's a pretty big building, 40 by 70, for just a couple of lawn carts. Plus the doors are sized pretty big, too.

I don't have anything else right now.

RICHARD BRONGO: One quick question. How much gasoline do you plan on storing in that --

MS. OSTROWSKI: Just like four of the five gallon tanks. That is really all that will fit in the cage that we're proposing.

JAMES MARTIN: My understanding it will be inside a safety cage?

JOHN CROSS: Yes.

JAMES MARTIN: It will be locked?

MS. OSTROWSKI: Yep.

PAT TINDALE: We already approved it.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Just a question. Mr. Chairman, you asked a question about other equipment used at other sites. I don't believe you got an answer.

JAMES MARTIN: I believe she said that the plan would be as primarily only for equipment that is used on the campus itself.

DOROTHY BORGUS: Primarily, though, is the -- what does that mean?

MS. OSTROWSKI: It is what is already on campus.

JAMES MARTIN: You can answer. Is there anything that is utilized perhaps in some other venue that will be stored there?

MS. OSTROWSKI: I don't believe so, no.

JAMES MARTIN: Pardon?

MS. OSTROWSKI: I don't believe so, no.

JAMES MARTIN: The answer is no.

DOROTHY BORGUS: Thank you.

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

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

JAMES MARTIN: In the Town Engineer's letter, I believe you wanted this subject to approval of the Town Engineer and Commissioner of Public Works? So that is a condition of approval.

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact. The vote on the motion was 6 yes with 1 abstention (John Hellaby).

JAMES MARTIN: They have paid their fee for final. If we could go ahead and vote on this. What is the position of the Board on waiving final on this?

The voting members of the Board indicated they would all be in favor of waiving final.

DECISION: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following condition:

1. Pending final approval by the Town Engineer and Commissioner of Public Works.

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

2. Application of Nga Lam, 2703 Chili Avenue, Rochester, New York 14624, property owner: JR Realty, Inc.; for preliminary site plan approval for a change of use in portion of building to allow a nail salon (formerly insurance office) at property located at 4390 Buffalo Road in GB zone.

Nga Lam was present to represent the application.

MS. LAM: Nga Lam. Nga, N-G-A; last name is L-A-M. I'm the owner of the business, the d/b/a of this place.

JAMES MARTIN: We're going to need something put on the board so the public can see what you're doing.

MS. LAM: I didn't prepare. I have no clue. This is new to me. So I just have the drawing right here.

JAMES MARTIN: That is good.

MS. LAM: Is actually is 840 square feet and is -- I'm here to apply for the change of use. It's usually the -- the previous place, space was used for insurance. So now it is changed to a nail salon. So that's why I'm here. So basically we have, um, four chairs, pedi chairs, four nail tables, a wax table and actually that's all we do: Nails, pedicure, manicure and waxing, just eyebrow only.

There is no big major renovation in there. We just set up the -- you know, the equipment.

JAMES MARTIN: Thank you.

PAUL WANZENRIED: Is the heat and water tank, are you supplying that?

MS. LAM: The heat and the -- the heat and the water is already there.

PAUL WANZENRIED: So the landlord provides that?

MS. LAM: The landlord provide everything. We just pay the rents.

PAUL WANZENRIED: The ventilation, it says you have six air ventilation. That is all hooked up into his system?

MS. LAM: They have the major -- they have two ventilations already up there, so we just do a separate, you know, hook up two more for the ventilation.

PAUL WANZENRIED: What would your hours of business be?

MS. LAM: Hours of business is 10 to 7. 10 a.m. to 7 p.m., Monday to Saturday, Sunday closed.

KAREN COX: This is more a curiosity thing. You indicated in your letter it says that you will hire Roto Rooter Plumbing.

Is there an issue with the plumbing?

MS. LAM: They don't have -- we just need the plumbing help us to direct the water out into the pedi chairs, so that is only thing we need.

KAREN COX: Retrofitting?

MS. LAM: Yes. Fitting, and it's already done. They came back -- down here for license and everything.

KAREN COX: That was the only curiosity I have.

JOHN HELLABY: How do you drain the water out of the chairs?

MS. LAM: They have the pump -- the pumps and -- included within the pedi chair. So we just push the button and it drains out.

JOHN HELLABY: Where does it drain to, a floor drain?

MS. LAM: They have two way -- one pipe is in.

JOHN HELLABY: Or do they pipe it back over to the drain?

MS. LAM: I think so. I'm not --

JOHN HELLABY: You said the chairs are already installed?

MS. LAM: Not yet.

JOHN HELLABY: But plumbing is installed?

MS. LAM: Yes.

JOHN HELLABY: They didn't have to cut the floor.

MS. LAM: They did cut the floor.

JOHN HELLABY: They did cut the floor.

JOHN HELLABY: Has the Building Inspector inspected that at all?

DAVID LINDSAY: If they haven't been, they will be.

JOHN NOWICKI: Based on the letter we got from Mike (Hanscom), the Engineer, the condition here that it go to the Town Building Code Enforcement Officer to review. That would be the only comment I have because it sounds like you're ready to go. That's all I have.

DAVID CROSS: Out of curiosity, is this your first nail salon or have you done it before?

MS. LAM: No. That is my first one.

JAMES MARTIN: I think you have indicated have you worked in a nail salon.

MS. LAM: I did.

PAT TINDALE: I didn't think I had, but I'm wondering what happens to the product you use and the nails?

MS. LAM: They all State regulations. We have to buy it from a nail supply, and they will give us all of the warning and everything how to stack them, how to be careful and everything, but it is all under the Board regulations. You have to buy based on what they have. And after the salon open, then we'll -- they'll surprise you checkup thing, so we need to make it all clean, nice and make sure. Because I work in there. I want to be safe for myself, too.

PAT TINDALE: That is what was just wondering. Thank you.

PAUL WANZENRIED: Dave (Lindsay), is it standard to require an RPZ or backflow preventer for this?

DAVID LINDSAY: Yes, there is probably one for the whole parcel.

PAUL WANZENRIED: Okay.

JOHN NOWICKI: Should be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Again, I have a problem with words. I don't like when a question is asked and we get a "probably." That is not a satisfactory answer.

JAMES MARTIN: What particular question?

DOROTHY BORGUS: Mr. Lindsay said "probably" about the backflow preventer. He said, "probably."

Is that good enough for this Board, "probably"?

JAMES MARTIN: Have that inspected.

DOROTHY BORGUS: You better maybe put it in as a condition if you want it there.

JAMES MARTIN: I will.

MS. BORGUS: Thank you.

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

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

JAMES MARTIN: Basically as far as any pertinent conditions that came out of the discussion, the applicant is to comply with all of the pertinent building codes, and as part of that, we'll inspect for a backflow preventer, Miss Borgus. And the required permits prior to a Certificate of Occupancy are being issued.

MS. LAM: What was that?

JAMES MARTIN: In other words, you have to be in compliance with all of the building codes, have the inspections done. Any permits that you need from the Health Department or anybody else in order to operate your nail salon must be in place before we would issue a Certificate of Occupancy. Okay?

Okay with that, David (Lindsay)?

DAVID LINDSAY: That is fine. We'll determine the relevance of a backflow preventer if it is needed, and if so, we'll work with the applicant.

JAMES MARTIN: That is what you have to do in order to be in compliance with everything that you need. Okay. We can't issue a Certificate of Occupancy until you're in compliance with it.

MS. LAM: Okay.

JAMES MARTIN: The applicant has paid their fee for final. Any problems with waiving final?

JOHN HELLABY: Sorry to interrupt. We haven't asked about signage. The signage for the front.

MS. LAM: The sign -- outside signing? I did talk to one of the -- the -- what is her name? One of the professional sign maker. They said that they need to wait until this been approved in order to go down here and put in the application for it.

JOHN HELLABY: There are certain sizes that you're allowed.

MS. LAM: Definitely they would check in.

JOHN HELLABY: I don't want to see 15 neon signs in the front window saying "open" or all that type stuff because somebody will flip out.

JAMES MARTIN: That would go for all pertinent building codes.

We were finishing with waiving final.

The Board indicated they would waive final.

MS. LAM: I have a question. Would the banners, that we will put up, the "Opening sign soon" banner, how long can we put it up until?

JAMES MARTIN: There is a certain time limit for that. You can check with the Building Department. They can give you the specifics on how much you would be allowed to put up and for how long.

MS. LAM: Okay.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: Approved seven to zero.

Oops, I have to go back.

JOHN HELLABY: I slipped up. I was thinking about the sign. I bumped the train.

JAMES MARTIN: You were supposed to keep me straight.

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

JAMES MARTIN: Now we'll go back. On the application with the conditions.

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

1. Applicant shall comply with all pertinent building codes, inspections, and required permits prior to a Certificate of Occupancy being issued.

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

JAMES MARTIN: Thank you very much. Good luck with your business and welcome to Chili. I hope your business is a growing success.

INFORMAL:

1. Application of Chili Liquor Store, 3210 Chili Avenue, Rochester, New York, New York 14624 for final site plan approval for Phase 2 of proposed expansion project, to include a 5,000 square foot addition at property located at 3210 Chili Avenue in our GB zone.

John Caruso was present to represent the application.

MR. CARUSO: Good evening. I'm John Caruso with Passero Associates. I'm here tonight on behalf of Jim and Aldo Lepore of Chili Liquor. We're requesting final site plan approval.

I was able to obtain a copy of the preliminary site plan approval and its conditions, and I just want to tell the Board that we have gone down through and addressed all those in the plans. I would like to just bring up three of the major ones and -- I think the three major issues that I saw that I wanted to address in tonight's presentations are that Number 1, the applicant's attorney was to draft a cross-access easement for parking. I know that his attorney, Mr. Pietropaoli, has prepared those easements and sent a copy to the Town. So there should be a copy on file as requested.

Second issue, I know there were several minutes of talk about it, and that was providing some sort of barrier between the sidewalk where customers would come up from the rear parking lot to the front and we have shown that on the plan. We're showing a pipe rail as opposed to a guide rail. A pipe rail was a little more architecturally aesthetic, so we did provide that. There are openings in it so people can cross in and out but the intent of what the Board was looking for is provided.

And finally, there was several engineering comments from the Town Engineer which we addressed and I believe satisfied the Town Engineer's comments.

And so that is it. If there is any other questions or comments you would like to go through, we can.

JAMES MARTIN: Um, I did note in a letter we got, we received from Miss Partridge about an evaluation of the foundation of the existing building and its relationship to the neighboring building, and I just want to be sure, you know, Mike (Hanscom) -- the other Mike (Hanscom) -- that you and David (Lindsay) are totally comfortable with the excavation that is going to occur with the building of this addition in relationship to that building. I'm not an engineer. She was talking about, you know, the shelf in there, and you know, something underneath the existing building. I just want to be sure that everybody is comfortable that we're not going to have the dentist office collapse on that one corner when they do the excavation.

MIKE HANSCOM: Um, well, I haven't seen the actual building plans itself to see how detailed the excavation is going to be next to the neighboring building, so it is difficult to say. Um, we had asked as one of the conditions previous was that the applicant's engineer was to certify to the Town Engineer and the Commissioner of Public Works that the excavation would not impact the footings of the neighboring building.

To do that, they might have to put in sheet piling, something, while they do the excavation. Method of construction is up to them. But we wanted to make sure that they were aware of that possible impact and that they were going to address that before they started digging.

JAMES MARTIN: All right. Let me ask you, are you satisfied that that issue has been addressed?

MIKE HANSCOM: I haven't received a copy of a -- a letter certifying that they have --

JAMES MARTIN: The only thing we have on record right now is a letter from Miss

Partridge, who is an architect, not an engineer --

MR. HANSCOM: That's right.

JAMES MARTIN: -- addressing that issue. That is all I have seen that has some official documentation pertaining to this, John (Caruso). This just came in today.

MR. CARUSO: Yes. We asked her -- I have been -- I asked her to do this ASAP last week. I knew Jim (Lepore) couldn't attend the meeting, and I was going to go down through these items, and I went down through the checklist to make sure I didn't step on a land mine this evening, and I found they had not sent the letter.

So I asked her to quickly write the letter and address the issue at hand. It has been clearly stated all along from everyone on what they were looking for. So she did send the letter.

Now I can't speak for Mr. Hanscom and whether it satisfies him, but she did send one. It was just recently received. I guess what I would ask is if the Board would consider it as a condition of approval that the letter satisfy the intent of the Board and that they want to make sure that any excavation doesn't impact the building next door.

And I think that that -- I think that really should be handled with the building permits, with the foundation plans that come in on the building, that she should show a separation to the adjacent building. I think we can handle it there in a section. I think would that would be appropriate, too.

MIKE HANSCOM: I do agree with you that the approval the design of the building, the construction is really the purview of the Code Enforcement Officer.

MR. CARUSO: Yes.

MIKE HANSCOM: I was just trying to point that out.

MR. CARUSO: She can write all she wants in the letter, but I think the proof is really when she puts the foundation plan together, she should show that relationship there because that is where liability comes in. I think the Town is trying to risk that off onto the architect. I don't think it needs to be an engineer. It could be the architect. They're the one stamping the plans, but nonetheless, if the Board is not satisfied with the letter that is written, if you would consider granting us approval, I told Mr. Lepore that I would help see these conditions through and I think that is where we would do it. That it would be done in the section in addition to the letter that she wrote.

MIKE HANSCOM: Correct.

JAMES MARTIN: Okay. I just -- I just want to be sure that that issue is totally technically addressed. That is what I wanted.

MR. CARUSO: I agree.

JAMES MARTIN: That was the main thing I had.

PAUL WANZENRIED: So, John (Caruso), then you said that you're going to put in a pipe railing?

MR. CARUSO: Yes. We're proposing a pipe railing. It's on the plans.

PAUL WANZENRIED: I read a letter here from Miss Partridge saying she doesn't want a pipe railing.

MR. CARUSO: If you would please, disregard that letter.

PAUL WANZENRIED: Okay.

MR. CARUSO: We put it on the plans. We're proposing it. Patricia (Partridge) was opposed to it aesthetically, but there is another reason. There is a safety reason that the Board has brought up. It is a condition of approval. She was still arguing it out. I had Mr. Lepore deal with her on that.

We put it on the plans. I know you need it. The only thing we changed for aesthetics was instead of having a galvanized piece of guide rail there, we put the pipe rail in, and as we explained to Mr. Martin, because -- let's face it, Jim (Martin) is really the one concerned about it. It is his comment. So we -- we tried to find a place that it is standard in our community that it is used so it is acceptable.

And so the City of Rochester has this as a common detail in any of their parking lots. So you might see these all around the city. What I like about them as opposed to having what we call ribbon or guide rail, um, that -- they're repairable. If someone hits it, you can cut a piece out, weld a piece in and they are paintable. You can paint them every year and keep the aesthetics up.

So having the new colors and a new building elevation, it has gone through ARC, having a galvanized guide rail along the side of your building probably wasn't too -- maybe it was a little more industrial than we want. But I was trying to get your concern addressed with something a little more aesthetic and so -- there is a detail on the plan. The pipe anchors in 36 inches. It is in the sidewalk.

PAUL WANZENRIED: I'm all for it.

MR. CARUSO: I think it worked well.

PAUL WANZENRIED: I'm all for it. I just wanted to make sure her little correspondence was moot.

MR. CARUSO: Our customer is happy.

PAUL WANZENRIED: That's fantastic. I don't have any further questions. Thank you.

JOHN HELLABY: I just want to say I agree with John (Caruso) in the fact that the section on the drawing would be appropriate because the letter that was submitted by her date-stamped February 13th makes me awful nervous when it says, "it appears."

MR. CARUSO: No. The section is the place to do that.

JOHN NOWICKI: I have confidence in Mr. Caruso he will address these issues for us.

MR. CARUSO: Thank you.

DAVID CROSS: This project has been through the Architectural Review Committee.

JAMES MARTIN: Yes.

DAVID CROSS: I haven't seen any written comments from that.

JAMES MARTIN: There was some minor comments regarding the architecture. Nothing of any major consequence. There was some issue around the front facade of the existing building, but there is very little changes if anything there. It has been reviewed and approved.

JAMES MARTIN: Pat (Tindale), I know you had a fairly terse comment from the Conservation Board standpoint.

I have written, attempted to condition it, but I will let you speak for the Conservation Board.

PAT TINDALE: Just, yes, I'm asking for the exact same thing I asked for back in June. I want the official Conservation Board checklist filled out, and I want a licensed landscape architect sealed print. And I -- our Board would really like to have somebody come to our meeting to discuss some of this.

MR. CARUSO: Of course. Just if I could ask the Board to condition our approval that we will attend the Conservation Board meeting, fill out the application, submit it. I haven't seen -- we did a landscaping plan earlier on for the project, but I don't know what happened to it. I would like to revisit that and then we can meet with you. I would like to have Jim (Martin) attend so he can agree to the plantings we'll put in, and -- but there is not a lot of place to put landscaping. Most of it is in the back where we want it. You know, when you drive-thru the back there and you look at the back of the buildings it wouldn't be such a bad thing to have a couple trees and things in there.

JAMES MARTIN: Wouldn't be bad to replace all of the dead bushes that are along the border of the property. I'm sure the Conservation Board will deal with that.

PAT TINDALE: Ironically, what we got were six pages. And a hand-made-up checklist. The plantings look halfway decent, but I mean you need to get it together so we don't have to go with six different sheets to go check out a building.

MR. CARUSO: I think some of the schematic work needs to be finalized and it is something that I would like to take care of.

JAMES MARTIN: We'll trust you to do that, John (Caruso).

MR. CARUSO: Thank you.

JAMES MARTIN: We did SEQR at the preliminary so no SEQR is required tonight.

Basically, what I have done so far is I have written all previous conditions imposed by this Board that are still applicable continue to be in effect. Pending final approval of the Town Engineer and Commissioner of Public Works. As of this date, the applicant has not complied with the required input to the Conservation Board. No building permits will be issued until the applicant meets these requirements and the Conservation Board signs off on the project.

Is that strong enough for you, Pat (Tindale)?

PAT TINDALE: Uh-huh.

JAMES MARTIN: Okay.

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

1. All previous conditions imposed by this Board that are still applicable continue to be in effect.
2. Pending final approval of the Town Engineer and Commissioner of Public Works.
3. As of this date, the applicant has not complied with the required input to the Conservation Board. No building permits will be issued until the applicant meets these requirements and the Conservation Board signs off on the project.

There was a recess in the proceedings.

FOR DISCUSSION:

1. Frank Imburgia, FSI General Contractors for proposal to erect three six three-story building apartment buildings totaling 156 units, with 2500 square foot clubhouse at property located at 85 Union Square Boulevard and portion of 3327 Union Street in PRD zone.

John Caruso, Frank Imburgia and Bob Morgan were present to represent the application.

MR. CARUSO: Good evening. I'm John Caruso from Passero Associates. With me tonight is Frank Imburgia from FSI and his partner Bob Morgan.

Our proposal is located in the Union Square development, and it's one of the parcels that is remaining to be developed from the overall development that has transpired since the mid '90s, I believe.

One of these parcels would need to be connected to another one, and so ultimately we'll

have to do a subdivision, and if you can see on this larger map, there is a yellow line here (indicating). We look to subdivide the smaller piece from this piece (indicating) and make this piece what is shown on our site plan, so there is a subdivision involved.

We're proposing 156 apartments in -- in six, three-story buildings, on approximately 11 acres.

The site plan was laid out so that we could have two means of access to the parcel, and that is by connecting to one of the adjacent developments that has been done where you left a T turnaround for connectivity there. So again, we're trying to meet, provide second means of access for emergency, what have you. It also could be used for a construction road.

Some of the amenities on the site that we're proposing is a significant landscaping site plan and along with significant foundation plantings around the buildings. If you will notice on the rendering that I proposed, we have street trees scattered throughout. We have a divided island when you drive into the project. So we're trying to promote some regional new growth on the property through a new landscaping plan. Currently the site is -- is cleared, half of it, and the other one is sort of scrub brush. You can see that on -- well, you can see that on this aerial plan here (indicating), all this land in here has been cleared (indicating). You can see the topsoil is cleared right off it.

The internal roadway system is illuminated. We have cross sidewalks in every which direction. When we appeared at preapplication, we did not have all that. It was one of the comments that came out of our preapplication meeting. You can see we're trying to get the sidewalks from every building, from every apartment to either the front door or out to the sidewalk system that is located within the project.

And then so with that, we tried to illuminate with putting streetlighting and parking lot lighting all of the way so that we have some safety on the project.

As you can see, the layout is pretty spacious. We have about 18 percent building coverage. The lot carve coverage is at 48 percent which puts our green space at 52 percent.

The site is essentially self-sufficient with respect to storm water management. Again, it is a -- it's a predeveloped area. We are sort of like taking over a lot, as if you were doing overall preliminary. We're sort of coming in for a site plan approval, but it's a little bit more, and I will talk a little bit more about that in a minute. The area is already developed. It has that infrastructure, so we're trying to, you know, build off the infrastructure that is already there. There is a storm water management area that serves a whole area, but with the new regulations, we'll have to provide green infrastructure and our own storm water for first flush on site, so you can see that we have that covered, and that is why we have that little pond up in the corner there.

But some of the amenities in the parcel in addition to landscaping and pedestrian and lighting, we're going to have a community center and a pool, and in addition to that, we have a tot lot over in the back between these two buildings here (indicating). So we're trying to cover it all. And this is pretty much a -- a standard amenity that is in a Morgan/Imburgia project. The apartment projects these gentlemen do usually exceed 100 units. That's about the point that you need to have that type of income to afford to put in a Community Center and a pool, and obviously maintain the grounds.

If you could, I would like to talk -- we can talk more about the site and specifics to it, but I would like to zoom out for a minute and talk about what is going around it with respect to the zoning of the parcel.

Is it okay if I go over and speak from there? Will everybody be able to hear me?

JAMES MARTIN: Yes, as long as we can hear you.

MR. CARUSO: I brought this other map because I think -- I think it's appropriate to try to show the Board from when this project was approved back in 1995 or '96, that overall PRD that was granted for here, um, how the accounting of this works. Because it is important to what we're proposing to do. And I think it was -- it would be important for us to prepare a map in the middle of, if you will, the middle of the development of this area to show where do we stand with respect to the accounting of the density that was approved in the PRD.

So back in 1995, '96 the Town Board approved and the Planning Board approved, um, a Planned Residential District here. It was 102 acres of land which consisted of something like this (indicating). And of it, the PRD was approved on 47 of the 102 acres.

They went through some sort of conventional plan and came up with a head count of approximately 650 units were -- were approved for this area. And with what is developed right now, there is about -- I'm using round numbers because the number is like 194, but just to do the math in this conversation, about 650 units were approved, and about 200 units are built right now. That leaves about 450 units left for development.

Where can these be developed is the question, and trying to keep in -- in -- in tune with what was approved, what we're trying to show are these parcels here then would be the balance of where the developments could be. Our parcel would be one of those. Since we're proposing about 150, and there is 450 left, that means there is about 300 units left to be built. And what I thought we would do is during our application process and when we come in and actually make an application for preliminary, that we would prepare a map to show where the balance of the potential sites for those 300 units are to be built.

This land here (indicating) has been donated to the Town. Land down here has been donated to the Town (indicating). So the parcels of land that are left for potential development are here (indicating), here (indicating), and there is a two-acre parcel in here (indicating).

So if -- so if we have 650 less 200 units that are developed already, that leaves 450. Since we're proposing 150 here (indicating), roughly there is about 300 units. That is the accounting

that we would put to you in writing, and those would go either here (indicating), here (indicating) or here (indicating).

Now, when you look at the size of those parcels, and you look at what is allowable left to be built, the potential would be on these parcels (indicating), but none -- but in no case would those be able to be built under ten units an acre, which is what the code is. This PRD was specifically approved at eight units per acre. And so when they did the overall approval, they did it under a 278 cluster. And you can see that with the land that is left and the number of units to be built, there is no way they could be built on those parcels at 10 units per acre or even 8 units per acre. That and -- hence, that is why the 278 clustering was used. And that is how they used -- and got approved the development of this parcel (indicating).

This is 50 units on 3 acres. It is 16 units per acre. So similarly, our development is 156 units on 11 acres. It's more than the -- what was originally approved, 8 units per acre. But that is why you can approve this, is because it was approved in an overall PRD with a 278 cluster. All of these units, however the head count was established, has to be built in these areas (indicating). The balance of those areas was deemed undevelopable or given away to the Town for Conservation or public use. I'm not certain.

But this is a clustering project. And in trying to keep with past approvals, I think we are in tune with what was done here and where this was granted under the 278 approval, more than 8 units more per acre which was allowed under the PRD, and so we're following in suit.

So the map that we would show you would be an accounting of up to date, where all of the units are and what is the potential areas for future development and what is left for the density on those parcels.

Is there any questions on that?

JAMES MARTIN: I will defer, okay, if you want, to continue with your presentation.

MR. CARUSO: Yeah, that is fine.

Actually, I'm -- I'm -- that's about it. You know, I sort of talked about the site, proposing what we would like to do, but I think it was worth taking a minute and sort of backing out and saying how did we get here for some of you who have not seen that project or that development before. Um, even myself, it took me a week to get my arms around all that happened 20 years ago, and it took me sitting with Roger Brandt several times to understand what they did they get approved in Union Square and how was it done, what is the potential for development, what is the allowable capacity for the area, and that's how I know this is -- we have been able to sit down and do that.

And that is why we're proposing when we do come in, it's only appropriate that we prepare an accounting for you of what has been built to date, what is left to be built and where is it to be built.

So with that, I will open it up to comments and questions.

JAMES MARTIN: I think a couple of things. You know, we have had a couple subsequent discussions regarding a couple things that you stated.

The apartment unit that was built, John (Caruso), that had the high density approved under the 278 clustering, um, was not on a parcel that was part of the PRD rezoning.

MR. CARUSO: Right.

JAMES MARTIN: It was still RM at that point.

MR. CARUSO: Okay.

JAMES MARTIN: So that is, you know, was not an issue. I mean it was approved based on clustering under Section 278 of Town Law.

I think, John Caruso, we still internally here are wrestling a little bit with what exactly are we dealing with, because some of the land now is out of the PRD consideration because it has been donated to the Town. So it is -- no longer can be counted, I believe, as part of the density calculation, all right? It's gone. The Town owns it. The developer doesn't own it any more. Okay? So I think that's -- that's an issue.

Um, so I think where we're at right now is -- and Mr. Jones is going to help us with this, as we go forward looking at the documentation that exists and what the intent was and, you know, just how many more units are really appropriate. Obviously with the land that has gone to the Town, the 648 that was developed for the whole 102 acres, you know, that chunk is gone. So that number doesn't mean anything any more really. It doesn't. Okay?

So I just think right now, for the benefit of the Board, we have had a lot of discussions on exactly, you know, what can be built, you know, what the density requirement is based on, number one, the fact that there was 102 acres originally given 278 approval, and then the PRDs came along subsequent to that, which took 47 acres out of that 102 and put PRD zoning on it.

Obviously PRD would be the overriding zoning at this point in time. So I think there is still a few questions that we don't have all of the answers to, John Caruso, that we're going to have to continue to discuss with you, with the applicant, with our legal counsel just to be sure that, you know, we're on firm ground from the overall perspective of what can be built on this -- on this site. Okay?

MR. CARUSO: I would -- I would like to ask the Board if it is possible that we could work on those issues during the day through subsequent meetings and not string this out into concept prison, because --

JAMES MARTIN: Absolutely.

MR. CARUSO: Jim (Martin), you have to be careful. Because the owner of the property, the developer, went through a process in which he established the density, and part of that density and his intent to cluster into the upland areas where the land was good, um, he did so

accounting for the land that he agreed to donate. So once he donates the land, you can't say -- and you receive it, you can't say, "Well, this land doesn't count any more towards the density," because his agreement was, "If you allow me to cluster and use this, I will give you this land."

So once you take the land, you can't say, "We need to recalculate your clustering amount."

He is -- entitled -- his approval still allows him to put 650 less whatever we built.

Notwithstanding that, one of the things that we proved to ourselves in some of these discussions is that even though he has 300 units left after this, it's really hard to get 300 units on that project. That's the reality of it. And that what ultimately -- when this project is said and done, it's my best guess there will probably be some units that are left on the table, if you will.

If we took this project, and expanded it onto here (indicating) and we could get 400, there is probably 100 units that couldn't be built because there is no more land left on it. So maybe the 650 was highfalutin and it wasn't a realistic figure. However, he is entitled to it. Maybe he can't ever get there, but I don't think we can say that because he gave these lands up as part of his deal that we can now recalculate -- it's not 102 any more; it is 75 acres of land. I don't think we should go there.

JAMES MARTIN: I'm not saying that we're going to go there. But we're going to have discussion about the numbers, okay? There is no question in my mind about that.

MR. CARUSO: Listen, we are here tonight and I put this in my presentation because we want to disclose it. I think it was healthy for us. Having been through, you know, the PNOD project where we looked back on old zoning that was done years ago and we wrestled with some of the inaccuracies of it or some of the things that were vague between what was approved back when we did the PNOD versus the new group of professionals that were in here, including the Board, had a whole different interpretation of what was once thought approved.

So we thought we would try to vet this out up front. So we put it in our presentation tonight that, "Hey, this project has been here a long time, they have been building it. Why don't we show you where the balance of the land will be?"

Potential anyway. But this is the accounting of where we are with it. We didn't think that if we're over our density on what was allowed in eight units per acre on the piece that we would have to go to the Zoning Board of Appeals and ask for a variance on density. Because it is a 278 cluster, you can put more on -- in the area than was allowed. And that is why this land here (indicating) that was all wetlands is included in there, because we don't want to go and get permits and build in here. We want to leave it alone.

Essentially they turned it over to the Town and we want to build everything up land. I think we just wanted to go through that effort. If we still need to do some leg work on this, I just ask the Board to establish a representative from the Board and -- and I would love to work with Counsel. Counsel and I have worked together before. Um, let's just work it out and then we'll come back and get into the site plan issues.

JAMES MARTIN: That is basically where I think we should head with this at this point.

As far as the project itself, and I'm going to direct, you know -- I will direct these questions to you, but Mr. Imburgia is here to hear these. I mean, I really think that we need to have some sort of a market study. I want to know what the absorption rate will be. Is this really a viable project from the number of units proposed? They have to be market rate rentals. So I think from the Board perspective, we'll need to have pretty good understanding of business aspects associated with this, so that is just -- you know, early warning, all right, from my perspective that we're going to want to have that.

MR. CARUSO: Yes.

JAMES MARTIN: That's basically what I have right now. I will go to the Board.

PAUL WANZENRIED: 156 units, three-bedroom, two-bedroom and a breakdown? I see the height of the building will be 40 feet over the required 36; is that correct?

MR. CARUSO: Yes.

PAUL WANZENRIED: And they're three stories?

MR. CARUSO: Yes.

PAUL WANZENRIED: So you have ten garages shown.

MR. CARUSO: Yeah, the parking, there -- there's about 300 parking stalls that serve the entire project. We're shooting for two per unit. And you -- you actually can park underneath this building. It's a unique building. That is what sort of drives it up the extra story. What that does is, is it cuts down how much parking lot we have to build. Essentially it's a green design. This is something new, and we're parking underneath the building. So we have 60 parking stalls underneath the building and 240 on the surface lot.

PAUL WANZENRIED: So essentially those overhead doors are not garages. They're access points.

MR. CARUSO: No, they're garages.

PAUL WANZENRIED: Okay. I get, ten, six -- got it now. My math is catching up with me.

MR. CARUSO: That's okay. The three-story building -- I didn't get into a lot of the structure and I would at the the next level. We'll bring in architectural renderings and things like that, but since Paul (Wanzenried) asked, if you don't mind, you drive underneath the building like this (indicating) and then the center core area, there are some units. There are like ten units, um -- it's ten per floor and then six on the first floor. That makes the 26.

And when I come back, Paul (Wanzenried), I will come back with a breakdown of the units, you know, the one, twos and threes for you and anything else the Board would like to know about.

PAUL WANZENRIED: In -- on your Xs there, the top X that you have on the northeast quadrant there, that's -- that parcel is part of this parcel that we're building on, correct?

MR. CARUSO: Yes, it is.

PAUL WANZENRIED: You're going to subdivide that?

MR. CARUSO: That's correct.

PAUL WANZENRIED: Mr. Morgan would retain ownership of that other parcel?

MR. CARUSO: No. Mr. Brandt would.

PAUL WANZENRIED: Mr. Brandt?

MR. CARUSO: Yes. Mr. Brandt is selling the parcel to Morgan and Imburgia. So this piece right here (indicating), this odd-shaped piece -- the reason we put the subdivision line here is because we didn't want to have any potential development that would try to use these two-pieces and put an access road through here. That is how you would have to get through here. Then we have an access road parallel to our main road and the headlights like that is not good traffic engineering.

So it made sense to pinch off right here (indicating) and create two parcels. This parcel here, by the way, is identified as the commercial component of the Union Square development. So if you -- if you had a chance to read -- I don't know how much you were given, but if you read back into the PRD when it was rezoned, there was 648 units that were approved, plus 30,000 square feet of commercial space, and the intent was for doctor's offices to be built up on the street.

PAUL WANZENRIED: How many acres is in the southern, the quadrant to the southwest of the parcel that we're developing?

MR. CARUSO: I believe 16. Yeah. Paul (Wanzenried), what you -- what you just did there, I did today, too. I did the math. If there is 300 units and there is 16 left, you can never get to 8 units per acre. You know, PRD allows ten units per acre, but when they got this rezoned, they agreed to 8 units per acre. Their overall calculation, they came up with their numbers. What we're trying to show is we can put these number of units here and cluster, but if you do the math on the amount of land that is left, after he gave a whole bunch a way, it is really hard to get to that number.

That is why I was trying to explain it's going to be hard to reach that quantity unless he puts a tower in or something, you know, a high-rise. But everything is subjected to this Board, even the setbacks.

Dave Lindsay did bring up a point that we might need a variance from the Zoning Board of Appeals for the number of units in a building. You can't have more than 8, and we have obviously 26. That was a similar issue with this 50-unit building here (indicating). You're not supposed to have more than 8 units in it.

DAVID LINDSAY: Just in correction, John (Caruso), I think it is 12.

MR. CARUSO: I'm sorry. Thank you.

PAUL WANZENRIED: No further questions. Thank you, John (Caruso).

KAREN COX: I would echo Chairman's interest in a market study and how viable something like this is for our Town.

JOHN HELLABY: Nothing right now.

JOHN NOWICKI: Just a couple of questions, John (Caruso).

Three-story building; you proposing elevators?

MR. CARUSO: I believe so.

JOHN NOWICKI: Okay. Could you just address in your letter, you're indicating these are luxury apartments. Can you explain "luxury"?

MR. CARUSO: Well, luxury is in the eye of the beholder, but I guess the reason we have luxury apartments is -- I have been able to sit with these gentlemen and understand what their intent was. These buildings, when you walk into them, they're not the garden apartments where they have all their individual entrance. You walk in the main entrance here, and there is a -- like the old style foyer is there, and you can -- there is an elevator.

When you -- when you have a Community Center with a pool, um, and the landscaping that they asked me to provide into the plans, know, the island at the entrance with the sign, um -- not trying to cut corners, but trying to make this so people will want to come here. I did speak with these gentlemen today about our conversation, the concern of a market study and their response was absolutely. These guys are -- are seasoned veterans when it comes to this. They know the banks ask for that, too, and so they're looking to provide what they need for you.

JOHN NOWICKI: Have you established or have you from the proposed owners established what the proposed rental rates might be at this point?

MR. CARUSO: Well, I can ask.

Frank (Imburgia), have we established a rate on what we --

MR. IMBURGIA: Typical market rate. The units are anywhere from 850 square feet to 1100, and you know, a buck a foot. The garages are a little extra. They're pet-friendly. We have maintenance on site. You know, constant, along with supervision. And, you know, anybody typically resides in the clubhouse and goes around there, so that gives you a little indication. Again, they are pet-friendly, too.

JOHN NOWICKI: Did you say a dollar a square foot?

MR. IMBURGIA: Pretty much.

JOHN NOWICKI: Did you say "pet-friendly"?

MR. IMBURGIA: Yes.

JOHN NOWICKI: You allow pets of any particular size or --

MR. IMBURGIA: John (Nowicki), anything over a 100 pounds, I get a little nervous.

MR. CARUSO: I think in our conversation, the concern was how could they be luxury apartments for that price. And I don't know how to answer that. I guess what I will do is I will try to -- when I come back with a unit count, I will talk more about the amenities in a building.

KAREN COX: Is that low for a luxury apartment? I would hate to sound stupid.

MR. CARUSO: Maybe I shouldn't call it "luxury apartment."

KAREN COX: I know what my mortgage is, and my mortgage is not much higher than the 1100, so I'm just trying to get my -- wrap my head around what is considered luxury.

MR. CARUSO: Mr. Morgan is building this building now in -- in another city, and when I saw the plans, you know, the architect did label them, you know, luxury apartments. So I just picked up on it and I started asking him about the amenities inside the building, and so -- I will be careful in any nomenclature moving forward.

JAMES MARTIN: I'm assuming this -- there will be like a rental office in the rec building or the building, whatever Community Center?

MR. CARUSO: In the Community Center.

JOHN NOWICKI: I will let it go for now at that point. We'll look forward to it in the future.

MR. IMBURGIA: Can we define "luxury" as granite and stainless steel appliances?

JOHN NOWICKI: I didn't hear it.

KAREN COX: I mean, I'm thinking that \$1100 sounds high for an apartment, but of course, I have not lived in an apartment for 25 years, so.

MR. CARUSO: Karen (Cox), don't show our age.

KAREN COX: I'm just thinking I might not be able to move into an apartment when I retire and sell my house.

MR. CARUSO: These guys do a lot of this. So they have -- they have very good buying power. So they can put granite in and stainless steel appliances, and these are the things that make it popular and they're nice. And so, you know, when you put that stuff in your bathrooms also, and they're two-bathroom apartments, that is where the -- where the -- but I'm not going to use the "L" word. I'm going to --

DAVID CROSS: We'll hold you to that.

JOHN NOWICKI: Can I ask one more question? Would you mind telling us in what city he is building?

MR. CARUSO: Syracuse.

JOHN NOWICKI: Okay. Thank you very much.

KAREN COX: Is it near the University?

MR. CARUSO: No.

JAMES MARTIN: There anything similar in the Rochester area?

MR. CARUSO: There isn't.

JAMES MARTIN: We might want to know the location. We might want to drive over and take a look.

MR. CARUSO: It's in Clay, New York. We can furnish the Planning Board with a location and how to get there, a map, in case anybody happens to be traveling. I know a lot of us travel in our business. You can swing by.

JAMES MARTIN: I found it helpful on other projects in the past to go and look at what they're proposing to build.

JOHN NOWICKI: Thank you, John (Caruso).

MR. CARUSO: I have to say one thing about this building. This building was designed -- it's a product of, you know, the new wave. And the new wave is to be green. And if you can cut down 60 parking stalls, he doesn't have to pay for it, to build it. We don't have to generate piping and a network to treat the storm water that ran off from 60 spaces, and the drive aisle. He is already providing that same material under the building in a concrete pad, whether it is slab on grade or not. And so it is really smart. It's different that some of these, that you drive under and there is residential houses next to it or apartments, but that is what the codes are for, for fire walls and things like that.

JOHN NOWICKI: When you come back in for prelim, we'll obviously see architectural --

MR. CARUSO: Yes.

JOHN NOWICKI: Thanks.

DAVID CROSS: I would like, of course, to see those elevations.

Things I do like, certainly the tie-in to the development to the east. The -- pedestrian access, the crosswalks, the tie-in to the sidewalk across the street.

Um, I think certainly the density is going to be the biggest issue here. If it comes out to 14 units per acre, that seems high to me. Three-story building does seem high to me in Chili. I don't know that we have seen a three-story apartment in the Town of Chili. So certainly my biggest concern is the building height, third story.

MR. CARUSO: Okay.

JOHN NOWICKI: One more thought. I assume that our young family could move into these apartments and I would just hope you take a look at the situation of school buses coming in and out of the site.

MR. CARUSO: We have designed it so that fire trucks can get in and turn around, but school buses probably would not enter this private project. We would probably have a spot out in the sidewalk area for the -- for the students or residents to come out here. Usually the school buses won't come into the private projects. They will come here and stop, and this will be the

bus stop (indicating).

JOHN NOWICKI: No dedicated roads then.

MR. CARUSO: No. It is all privately owned. Sewer, water maintenance, drainage everything would be privately owned and if you noticed, at this point, we haven't resolved what we're going to do about refuse. So I need to resolve that. On whether we're going to do exterior or interior. And I know that the Board prefers interior. I just don't have that worked out yet.

But, of course, all of the roads will be designed to support a refuse truck and any emergency access. We're going to use 12 inches of stone, 2 1/2 inches of binder, and 1 1/2 of top and just like a dedicated road. The reason we do that is because our customers usually don't sell what they -- what they build. They keep them. So they're looking for longevity.

JAMES MARTIN: I guess we'll have some additional discussions.

MICHAEL JONES: Obviously would definitely need to do that. I'm just curious.

JAMES MARTIN: I will volunteer to be the representative from the Board, if the Board is okay with that. I probably have more free time than anybody else here, except Dick (Brongo) Brongo.

All right. So I will be working with you. All right?

JAMES MARTIN: Thanks again, John (Caruso) for the presentation. Um, you know, we'll look forward to moving ahead, working with you on it. Get a couple of these issues resolved. I don't think they're insurmountable. We just need to know. So otherwise, that's about it. I guess at this point.

The meeting ended at 8:13 p.m.