

CHILI PLANNING BOARD

March 8, 2005

A meeting of the Chili Planning Board was held on March 8, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; David Lindsay, Town Engineer; Dennis Cialini, 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.

JOHN HELLABY: Mr. Chairman, prior to the start, I would like the record to show that we do have members of Troop 402 in attendance here this evening working on their Communications and Citizenship Merit Badges.

James Martin asked people not repeat each other when making comments. He stated he did not want, however, to preclude people from speaking.

JAMES MARTIN: I will reserve the right to ask each speaker to focus their comments on the application, if they wander off the subject. Any written comments should have been provided to the Board in a timely manner prior to the meetings. If we follow these guidelines, we'll move along quickly and everyone will have an opportunity to be heard and we'll get out of here before midnight.

PUBLIC HEARINGS:

1. Application of Excel Development Corp., P.O. Box 220, Spencerport, New York 14559, property owner: Thomas Hebrock; for resubdivision with site plan of lot #2 of the Hebrock Subdivision into three lots at property located at 153 Chestnut Road in R-1-12 zone.

Justin Myers was present to represent the application.

MR. MYERS: Justin Myers with Avery Engineering representing Mike Pelano of Excel Development. We're subdividing the land into three flag lots and we're proposing one shared driveway for all three lots. We're also aware we're requiring a variance from the road frontage, so we applied to the Zoning Board because we violate the required 40 feet of frontage.

The three lots will be serviced by all public utilities, sanitary, sewer and the proposed water, with Monroe County Water Authority. We're also aware that there's a lot of trees that exit on the property now. What we propose to do, we'll not disturb more than what will be required to place the houses there. These trees can be marked before clearing. I believe that is about it.

JAMES MARTIN: I will give you my initial impression what I see here. You're trying to cram ten pounds of sugar in a five pound sack is my initial impression.

KAREN COX: I'm in agreement with the Chairman. I'm not a huge fan of flag lots. As Jim (Martin) said, you're -- it is almost as if you're trying to cram a neighborhood into a parcel that should only have at most two houses on it. Especially since you will -- you're looking for a variance for the driveway. I'm just not a fan of it.

JOHN HELLABY: Not real pleased with it, but I guess some of the questions I have, is that each one of the units will have a private forced main type sewage system?

MR. MYERS: We propose pumps for sanitary laterals and all of the -- this has been submitted to all of the agencies and been through their comments. So as far as Pure Waters is

concerned, they're all right with the pumping, pumping the lateral to the existing main in the front.

JOHN HELLABY: Side setbacks, rear setbacks.

JOHN NOWICKI: The point you made just before that, are you saying that each one of these homes, if they're built, will have a pump in the home?

MR. MYERS: Yes.

JOHN HELLABY: It is a forced main type system. It is a residential ejector type pump that grinds it up and forces -- I think you can use a smaller line.

MR. MYERS: This is in lieu of extending the water main down, placing a manhole in the property. This is saving the developer money.

KAREN COX: Water or sewer?

JOHN HELLABY: Sewer. Again, it's up to the homeowners, but I can see long-term problems with it. But if it meets the building code, there is not a lot we can do about it.

JOHN NOWICKI: That bothers me.

JOHN HELLABY: You can meet all of the other setback requirements?

MR. MYERS: Yes.

JOHN HELLABY: What is your anticipation with maintenance on the shared driveway, structuring something to take care of snow plowing, potholes, that type of -- these shared driveway things, leaving it to the homeowners is a problem.

There are no thoughts here?

MR. MYERS: Not yet.

JAMES MARTIN: You're aware of the fact that there are not sufficient house numbers to put three lots into that area, which is going to be a major problem because all those houses in the adjacent area would have to be renumbered. That will be a pain for somebody to have their house number changed, as far as mailing address goes.

MR. AVERY: Robert Avery of Avery Engineering.

The numbering problem can be addressed because Mr. Hebrock, who owns both of the parcels right now, is selling the house immediately to the east. There will be a new owner. That one would have to be reduced to make up for the number of new houses, the street number.

JAMES MARTIN: That is a definite?

MR. AVERY: Yes. He has already discussed it with the Town.

KAREN COX: Maybe I'm missing something.

MR. AVERY: To reduce the street number for his existing house he is selling, which is immediately to the east, in order to make up for the extra number for the three lots.

JAMES MARTIN: It did not affect the houses to the west?

MR. AVERY: Correct.

JOHN NOWICKI: I'll be honest up front. Bottom line, gut feeling, my vote would be no. Who lives in the house Number 1 or first lot?

MR. HEBROCK: Right here.

JOHN NOWICKI: Are you the person that is subdividing the property here?

MR. HEBROCK: No.

JOHN NOWICKI: Will we hear from you in regards to your comments?

MR. HEBROCK: Sure.

DENNIS SCHULMERICH: You are moving?

MR. HEBROCK: Yes.

DENNIS SCHULMERICH: You're the current owner, but not the future owner?

MR. HEBROCK: Correct.

JOHN NOWICKI: Your property is up for sale now?

MR. HEBROCK: Not currently. I may keep it as rental property.

JOHN NOWICKI: One of the comments that we had in front of us right now is -- my concern is setting a precedent here for this type of activity on these resubdivisions if you want to call it, these lots. I'm concerned over this. The people that are going to be affected by this are the -- as trying to protect everybody here from headlights in their back windows, all kinds of problems here. As far as screening goes, trying to get that taken care of. I'm not sure I can. Right now my attitude is negative. That's all.

DENNIS SCHULMERICH: There is no way I can possibly ask a question that would positively impact my opinion of flag lots.

DARIO MARCHIONI: You said you have the house next door. You have 161 foot of frontage. Are you willing to sell some of the frontage to the adjacent owner so he would have at least the 40 foot fronts?

MR. HEBROCK: Hadn't thought about it. That would leave the other house with sufficient frontage.

DARIO MARCHIONI: It needs 120 feet to comply with the zone. Has anybody explored

that avenue?

MR. MYERS: Not yet.

DARIO MARCHIONI: What makes you sure the Zoning Board would approve this?

MR. MYERS: I'm not positive. That is why we would come here and apply.

DARIO MARCHIONI: That is a drastic change. Our minimum is 40 foot frontage. You went from 29 feet. That is really -- that is all I have to say.

JOHN NOWICKI: Has the Town Engineer looked at this from a drainage standpoint?

MR. LINDSAY: Larry (Nissen) has taken a look at it and doesn't have any problem with it.

JAMES MARTIN: There were no comments from the County either.

DANIEL KRESS: At the back lot line of the easternmost lot, 220.62 is the correct dimension, or is that taking in the entire rear property, the two lines. 220 feet appears to be smaller than 141 feet.

MR. MYERS: That is a mistake. It is actually 109 -- it is 109.48 feet.

DANIEL KRESS: Just eyeballing it, it looks 110ish.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

FRED TAURELLO, 27 Laredo Drive

MR. TAURELLO: I live here in this spot here (indicating).

If this is such a good idea, how come they're not crammed up against his house? You didn't do your homework. I have been a plumber since 1978, and I will tell you the problems with pump sewers. First of all, the garbage. Second of all, the power goes out at least three times a year so where is water going to go. It will stay in there. Where is the drain going to go? Guess what, Skippy? It is going right where I live. We need storm sewers in there to get all of the water we have now, but that will not settle your problem because your water is not going to cross my yard to get into like the storm sewer. That will not happen. So you will need storm sewers back there. That is just ridiculous. Then what is going to happen -- this is like carpet-bagging; you come in and buy the property, three houses make 30 grand each lot and sell this lot, and boom, you're gone. Meanwhile, this guy wants to do this do it, this guy wants to do it. Just way too much water. Way too much water.

THOMAS BOYCE, 157 Chestnut Ridge

MR. BOYCE: I'm the property immediately west of the proposed development. There is a dividing line of hedges between my property and where the proposed private road would be. My wife and I live next door, as I say, and the vacant lots that are planned, we really wish to protest in strongest terms. To put three houses there where there should be room for one is ridiculous. I agree with my neighbor, why shouldn't they be moved up forward instead of the back.

One of the things that irritates me and some of the neighbors, too, those woods are beautiful. My wife and I bought that property next door because we loved to have the woods next door. Two ones -- or two people on other side, Mr. Fisher many years ago strategically thinned those woods out so there is no shrub brush, no loose things that are in there. All of the trees have a lot of room in there. It is a nice blanket of carpeted leaves. It is a pretty thing to look out our back window, our den. I don't want to look out at the back of the house, the side of the house and front of the house. The private road will go next to my bedroom window which has been boarded up by previous owners, and I will be hearing snow plowing and be affected by sounds of cars and by headlights. I just protest it in the strongest degree, and if it goes through, I would seriously consider moving.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: On here with a private drive coming in there, I see more than just potential problems, and precedent is set wrong here if you let this go by.

First of all, fire protection. During the wintertime we have snowfall. Private individuals. They keep that driveway plowed. You won't have the protection. That is the first thing it would come to. The sewage with the power outages, in effect will not work. You're looking for problems. And two or three individuals end up selling this property, the home there, what guarantees are there. There are none. And presently here in the Town of Chili we do not need any more of these difficulties. That is what you will end up getting. I would consider not passing it at this front.

FLORENCE GOODWIN, 33 Laredo Drive

MS. GOODWIN: My concern is that this can be a screening situation. We're four houses down from the school on the same side with the woods in back of us. In fact, Mr. Fisher -- if you go to Chestnut Ridge. If they do this up towards the school, there is no guarantee that one of the people along there will say, oh, maybe I can invest part of my property and put a house in there. Then you will destroy a lot of that vegetation. I think it is an environmental concern, as well, and not only that, it is going to devalue the property. If it happens, are they going to reassess us and give us lower taxes?

HEATHER SIMONS, 159 Chestnut Ridge

MS. SIMONS: One house up from Tom, to the west. What I worry about is water. I just spent \$10,000 last year to water proof my basement. Is this going to cause more water problems? Moving drainage, I don't know anything about it. I'm not an engineer. But -- I have enough water as it is. And also I have lights in my back windows. There will be houses in my backyard. I just don't like it.

PEGGY LEE, 25 Laredo Drive

MS. LEE: I would ask that the Town consider remaining with the current zoning which is to say single-family and not approve the flag lots. Also, if there is consideration, I want to be very certain that the drainage being at the bottom of the hill doesn't come downhill because, as we all know, things flow downhill. It would change the privacy that we currently enjoy. I would ask that if anything is approved that puts the houses closest to Laredo Drive, there be privacy fencing provided.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I am opposed also.

TOM HEBROCK, 151 Chestnut Ridge

MR. HEBROCK: I'm current owner of the land Mr. Pelano is looking to buy. 30,000 a lot, God bless you. I wish I could have gotten it. As current owner, I'm the guy that has to go out and chase out kids 13, 15 years old drinking, smoking, doing drugs. I think cleaning this up will eliminate an eyesore. If people walk in the woods and see how many broken bottles -- I have kids starting camp fires. It is a fire hazard with all the kids going back there drinking on private property.

I offered to sell it to the School. They weren't interested. I had a "for sale" sign up for two months. Anybody could have come up and bought it.

Last issue with the lights. If you look from Laredo Drive, there is 4 foot rise between the backyards and current property. There will be a 75 foot buffer of woods Mr. Pelano will leave there. I don't see the issue with lights be being the problem. I have talked to a logging company about stripping the woods anyway, so if I continue to own that property, I may take the woods out of there anyway. So that is my take on it.

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

The public hearing portion of this application was closed at this time.

JAMES MARTIN: Based on comments from the Board and sentiment, the plan as currently configured has to be re-worked. I don't think three lots is an appropriate density for that particular parcel. I think that we just at this point in time are in a situation where it would be very difficult for us to allow this to go forward under its current plan. That is my feeling on it from a personal standpoint.

I guess at this point we'll be ready for a vote.

Jim 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.

KAREN COX: I will vote no, but I would be open to seeing a definite type of plan where density was less. I'm not opposed to somebody wanting to develop a parcel in a way that fits in

with the neighborhood.

MR. HEBROCK: Not my plan. I'm just selling the land.

JOHN HELLABY: I vote no. Again, I would be open to other suggestions. There are just too many open ends here right now. Driveway accountability, and I notice some other notes on the drawing that could go in a letter of findings.

JOHN NOWICKI: My earlier comments, I will stay with those. Too many negatives on this particular design. I'm concerned over setting precedence in this Town. This one scares me. I don't want any part of it.

DENNIS SCHULMERICH: Not supportive of justifying self-created hardships that come along with creating zoning variances. Not an advocate of flag lots. When appropriately positioned with the right density and the right fit, it is okay. None of this fits here.

DARIO MARCHIONI: No.

JAMES MARTIN: No.

The Board discussed the findings.

DECISION: Unanimously denied by a vote of 6 yes with the following findings of fact having been cited as reason for denial:

1. Not in keeping with surrounding properties.
 2. Requires lots to be reconfigured to conform to existing zoning code.
 3. Gravity flow for sewer system should be engineered rather than a force main system.
 4. No plan in place for cross easements.
 5. Plan was prepared without abstract of title search.
2. Application of Sam Gallo, owner; 4 Krenzer Road, Scottsville, New York 14546 for resubdivision of three lots to be known as Krenmor Pines Resubdivision Section 2 at properties located at 4 & 14 Krenzer Road and 130 Morgan Road in A.C. zone.

Robert Avery was present to represent the application.

MR. AVERY: Robert Avery, Avery Engineering on behalf of the property owners, the Gallos for the property in question.

MR. AVERY: Which comprises three parcels all occupied by the Gallos. They currently own Lot R4 of the Krenmor Pines Subdivision which I will outline in yellow. It is a flag lot previously approved by this Board.

It is existing at 130 Morgan Road, 1.6 acres. They also own property at Number 4 Krenzer Road, currently known as Lot R1 of the Krenmor Pines Subdivision. Outlined in yellow. And that property is currently 3.9 acres. They also own a larger piece 22.8 acres in the rear which is this balance up here (indicating) to the north all occupied by the Gallos.

The Gallos originally conceived that when they did their little three lot subdivision here a number of years ago, because we have been in front of the Board before, that family members would build on these lots, the children. In fact, one son built on R2. He has since sold the house. Daughter was going to build on R4, but it was too prohibitive for her to build. Sam (Gallo) and his wife thought they would move out of the current house and House Number 130 is currently under construction.

A number of years ago Sam (Gallo) built a pole barn located north of the existing house. Since he is building a new house now at number 130, what he wants to do is subdivide the property and incorporate this barn onto his house lot. That is really what this is all about, the subdivision. So what we'll end up after the subdivision in red here or pink, will be his new house lot to encompass the new house and also to encompass the pole barn, 50 feet south of the – to make a five acre lot shaped like this crazy pinwheel and leaving a house lot, selling his current house once he gets a little further down the road and ready to move.

So we have reduced the size of the house lot on Krenzer Road down to two and half acres from 3.9 acres. We did receive a variance from the Zoning Board on February 22nd for that

increasing the house Lot 130 to a five-acre lot which complies, leaving about 20.9 acres to the rear.

JAMES MARTIN: This piece of property must have a split personality.

MR. AVERY: I will note Note 1 on the map since I wasn't provided abstract of title. As land surveyor, I only receive that number 70 percent of the cases. We place that on the map for liability reasons.

DARIO MARCHIONI: There were conditions the last time you were before us.

MR. AVERY: Yes. January 21st, 2003, Item Number 5 dealt with deed restriction for 20 foot easement on Gallo property, 4 Krenzer Road, to indicate no building or access and 20 foot easement to be used for farm vehicles. This is located on a drumlin, and Sam (Gallo) has an old farm lane here that swings up this side of the barn and went up this way (indicating) to get into the pipes here (indicating).

When he was going to have that separate lot, he wanted that easement in place, but it is a moot point now because it is all going to be on the lot he is owning.

DARIO MARCHIONI: If he -- he sells the lot eventually --

MR. AVERY: If he sells the back lot to somebody, it makes -- the people would have road frontage on Krenzer Road.

DARIO MARCHIONI: 1.5 feet house level?

MR. AVERY: Any of those conditions would have been followed up on before the mylar was signed by the Town back in '03.

JAMES MARTIN: Now I understand what you're trying to do. There were comments from the County DRC?

MR. AVERY: Can I go through those?

JAMES MARTIN: Yes.

MR. AVERY: Item 1, flood insurance rate map issued by Housing Urban Development, 100 year on the property, that would be corrected. It is located back in the rear on the 20.8 acre piece.

Here is the intersection (indicating). Here is Krenzer Road (indicating). Here is Morgan (indicating), so it is back quite a ways. Nowhere near where the area of the houses are.

There is a DEC flesh water wetlands on the rear the property, as well.

JOHN NOWICKI: Yes.

MR. AVERY: We'll, they will look at all three tax ID numbers. Chili 41. CI-41 which is also at the rear of the larger piece. There are also federal wetlands located within the State wetlands also towards the rear. That is Item 3. Item 4, yes, there is -- this is an area of agricultural use. We did do an Ag Data Statement.

And Item 5, yes, a registered or classified tributary located on the rear of the property.

Once again, that is on the rear northwest quadrant of the parcel. Once again, subdivision of land. No development is planned.

JAMES MARTIN: We did not get a copy of the Ag Statement.

MR. AVERY: We can get another one over.

We have also had, I think, from the Town Engineer -- I don't believe he had too many comments.

JAMES MARTIN: No.

JOHN HELLABY: How is Sam (Gallo)?

MR. AVERY: How is Sam (Gallo)? He just got back from Florida, so I guess he was probably happier when he was in Florida.

JOHN HELLABY: In 20 some years involvement down here, this has to be the most seen parcel of property in Town of Chili.

MR. AVERY: He takes a lot of pride in it.

JOHN HELLABY: This has been before the Zoning Board and Planning Board.

MR. AVERY: When he came into my office and showed me this arrangement, I kind of reached for the Roloids because it is definitely a strange shaped parcel. But he also said in a letter he sent when he with applied to the Zoning Board, in that letter he stated, "This will be the last time I apply for subdivision." This should be the end of it. I found Lu Engineers' comments. They had no comments from an engineering standpoint, and that if Planning Board approval is granted, they do not request it be contingent upon their approval.

DANIEL KRESS: Would it be possible to get a note added to the site statistics to document that we do have variances for the undersized lots?

MR. AVERY: We can put the rest of those on. We might need to have a Sheet 2, though. We'll place them on there.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: Are there any definitions that a parcel has to be a certain format? Is this perfectly legal?

JAMES MARTIN: As far as I know it is.

KEITH O'TOOLE: It is legal.

JAMES MARTIN: It's legal.

MR. BRIXNER: I speak for it.

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

The public hearing portion of this application was closed at this time.

Jim 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.

The Board discussed the proposed conditions.

JOHN NOWICKI: Have the conditions of the prior approval been adhered to?

DANIEL KRESS: Yes.

DENNIS SCHULMERICH: Page 3 of the Monroe County Department Planning and Development, there is a reference to prior submission final plans approval, there were some outstanding items. Do they play into conditions?

JAMES MARTIN: This is on monumentation aspects?

MR. AVERY: What is the question?

Agencies that did not respond.

DENNIS SCHULMERICH: Prior to submission of final plans for approval, there were four following points that needed appropriate action. I just didn't know if they needed to be in there. Or --

JOHN HELLABY: That is boilerplate.

DECISION: Unanimously approved by a vote of 6 yes with no conditions.

MR. AVERY: Is that final?

The Board revoted the motion to approve, including waiving final approval. The Board was unanimously in favor of approval, waiving final.

3. Application of Paul Road Industrial Center LLC, owner; 1 S. Washington Street, Rochester, New York 14614 for resubdivision of Lot #R3B of the Paul Road Industrial Center Subdivision into two lots at property located at 200 Aviation Avenue in L.I. & FPO zone.

4. Application of Paul Road Industrial Center, LLC, owner; 1 S. Washington Street, Rochester, New York 14614 for preliminary site plan approval under the ADATOD District to erect a 59,500 sq. ft. warehouse w/offices (proposed lot R3B1) at property located at 200 Aviation Avenue in L.I. & FPO zone.

Duncan Jackson and Larry Glazer were present to represent the application.

MR. JACKSON: Duncan Jackson with MRB Group. With me is Larry Glazer, one of the owners of Paul Road Industrial Center, LLC. The first map we have here is the subdivision map. The original Paul Road Subdivision, this was Lot 3. Lot 1, Lot 2 and Lot 3 (indicating). We subdivided 3-A out in 2003 and built a building here (indicating). The subdivision we're talking about now is this piece right here (indicating), R3B1. And this leaves the residual 3B2. That is the subdivision. Questions on that?

MR. JACKSON: The location of this building is in this second piece of Lot R3, about a

five-acre parcel. We intend to construct a 59,000 square foot building on this site. The building would be approximately 80 percent warehouse and 20 percent office. The zoning is Limited Industrial, and back in July of '03, we received approval from the Town Board for the ADATOD District.

The site presently slopes approximately 20 feet from the south to the north end. So we'll cut probably 8 feet on this end (indicating) and add about 6 feet on this end (indicating) to make a pad for the building.

The utilities are all present on Aviation Drive. When we built Aviation Drive, we put a sleeve in under the road for the water main because water main is on the west side. The sanitary sewer and storm sewer are both on our side of the road. The parking required for this building is 179 spaces. Our intent is to, with your approval, to construct 89 spaces as shown here and land bank the remaining 90. The building on 3A up here (indicating) required 153 spaces. We built 114 and we land-banked the remaining 40 or 39.

I was out there the other day during the day, and there are only 44 cars in the parking lot. So there is plenty of parking, and this will be a less intense use than this building (indicating).

MR. JACKSON: Loading is restricted to the west side with access at this point by the cul-de-sac for the trucks coming in and out this way (indicating) with the diagonal loading docks in the back. 20 foot poles on 2 foot base, 250 watt high pressure sodium with house side shields on roadside. The remaining lights on the building are wall packs on three sides. Landscaping was presented to the Conservation Board on the 28th of February.

I also have samples of the materials, the colors and so on, which are intended to be the same as the building up the street where Curbell is.

This is a rendering of the building (indicating). This is the block on the bottom of the building (indicating). The Dryvit will be this color here (indicating).

KAREN COX: Spectrum Brown.

MR. JACKSON: Yes. The one where the check is here.

JOHN NOWICKI: This is an elevation showing the existing Bausch & Lomb building? The back would have the dockage?

MR. JACKSON: That is on the back, right. The areas that you see, the colors are switched on that rendering. This area here (indicating) is the Dryvit. The masonry is this strip along the bottom (indicating), and the panels are in here (indicating). This, of course, is glass (indicating).

JAMES MARTIN: Could you show that to the audience?

MR. JACKSON: Sure.

The colors are the same as the Curbell building up the street. These areas are the panels (indicating). This area along the bottom is masonry (indicating). And these areas in there are Dryvit or stucco (indicating). This is the back of the building (indicating). This is the only face of the building that faces Aviation Drive which is the west side (indicating). This side up here (indicating).

JOHN NOWICKI: Duncan (Jackson), if you wouldn't mind when you -- what would be the percentage of warehouse space on the building itself, 60,000 square feet?

MR. JACKSON: About 80/20. 80 warehouse, 20 percent office. That is our intent.

We're also asking for a parking variance to park in the front as we did with Curbell up the street, and we're going to the March 22nd meeting for that variance. We received reviews from Monroe County DRC, from the Town Engineer, and we don't have any problems with those if you want to go through those. I can do that.

MR. JACKSON: Town Engineer has indicated that the storm water facility at the end of the cul-de-sac be completed as part of this building.

JAMES MARTIN: Is that going to happen?

MR. JACKSON: Absolutely. The Town presently has a letter of credit for that.

JOHN NOWICKI: He has that in his letter it is on file.

MR. JACKSON: The DRC comments as far as the flood plains and so on, I can show you the parcel again is up here (indicating). The flood plain is approximately in this area here (indicating).

MR. JACKSON: The comment about the wetlands, there are federal wetlands and DEC wetlands on this site. We had them delineated. This the DEC wetland (indicating). These are federal wetlands (indicating). These three are not connected (indicating). They're isolated wetlands. So we have a letter from the Corps of Engineers that we can eliminate those (indicating). This one here is connected as is this one (indicating). So they have to remain if there is a future development up here (indicating). The other comments about the supplier of water that -- these are all general comments.

KAREN COX: Standard boilerplate.

MR. JACKSON: That was correct. Nothing specific to the project. That's it.

JOHN NOWICKI: Has there been selection of tenants at this point?

MR. GLAZER: We have not been able to select tenants yet. We have several proposed tenants looking at the space at this time, but until the building gets approved and we get further along, tenants are not willing to commit. The tenants that we're looking at right now are very similar to Curbell. Mainly high tech, engineering and distribution companies. Right now no one is looking at manufacturing any products which is unfortunate in Rochester. But everybody is distributing and designing at this time.

JAMES MARTIN: Any idea what you anticipate in job creation?

MR. GLAZER: It is really hard to tell, but if you use the 80/20 rule, use one employee per 1,000 for warehouse operations, probably 40 to 60 jobs here at minimum. Right now with the first building which is 53,000, there are 44 employees. This building will be similar in nature, just slightly larger.

JOHN NOWICKI: Strange question. Any of the people you talked to in regard to this building here or the Curbell building, have they been impacted at all by the possibility that the intermodal transportation facility down the road will come into existence.

MR. GLAZER: No. That is for a very selected group of companies, generally much larger space requirements than these tenants would need.

JAMES MARTIN: Any COMIDA involvement?

MR. GLAZER: Not for financing but for tax purposes. We're not seeking -- when I say "tax," I meant sales tax on materials only.

JOHN NOWICKI: Same builder as last time?

MR. GLAZER: Yes. LeFrois would be doing the building.

JOHN HELLABY: Seeing it is a spec building, just by looking at layout and elevations, does this set up for more than one tenant then? It looks to be three?

MR. JACKSON: It could be. It could be -- it is a shell at this point, and as the tenants come forth, one might want 10,000 square feet, one might want 5,000, one might want the whole building.

JOHN HELLABY: How high is it roughly going to be?

MR. JACKSON: At high point, where the Dryvit is about 38 feet. That is the highest point. It slopes to the east from the west, so it -- although the ends are square, the roof is sloped.

JOHN HELLABY: Construction schedule if you get all of the approvals?

MR. JACKSON: Difficult to say. We start immediately as soon as we get the approvals. No question about that. I would say probably six months.

JOHN HELLABY: You can ascertain the tenants to proceed with this, or is that part of the process making sure you actually have people to put in before you start construction.

MR. GLAZER: In order to get tenants, we have to move dirt and build the building. People won't come out and -- based on a promise. In Rochester, this is a show-me town. We do not have tenants lined up yet, but we have good leads and we're showing people all of the time.

MR. JACKSON: Obviously there's a market because that is a big investment to make.

JOHN NOWICKI: I would comment Mr. Jackson, as your preparation and presentation are excellent and nice to see you again. Best to your lovely wife.

DENNIS SCHULMERICH: What I thought I heard was one variance required for front parking?

MR. JACKSON: That was correct.

DARIO MARCHIONI: Can you give us on the back where the zig-zag is for tractor-trailers, do you have enough room back there?

MR. JACKSON: Yes. Normally, Dario (Marchioni), we only need 30 feet. When Rich (LeFrois) generally builds these buildings, the docks come out. If you have seen his other buildings, they come out like this and only need like 30 or 31 feet to get a trailer in there and another one by. He has 60 feet there now.

JOHN NOWICKI: Similar to Brighton-Henrietta Town Line Road and 390?

MR. JACKSON: Yes, but the docks are in-set.

DARIO MARCHIONI: It will be all blacktopped, so most of the drainage will go to the swale there?

MR. JACKSON: That is correct.

DARIO MARCHIONI: From there to the detention area?

MR. JACKSON: That was right.

DARIO MARCHIONI: Can you give us -- premature right now. Roof drains -- no other

questions.

KEITH O'TOOLE: As condition of approval on the subdivision, I would ask that the liber and page for the drainage easement on Lot R3B2 be set out on the mylar. Nothing further.

DANIEL KRESS: First of all, as with the prior application, maybe once we have been to the Zoning Board, we can modify the note here that refers to variance request to refer to hopefully a variance that has been granted. The other is the understanding when the first building went up, that when more than one lot was being served by Aviation Avenue, that would no longer be a private way that would be dedicated to the Town. I see the word "private" on here. So the Board

MR. JACKSON: We would be happy to dedicate that.

DANIEL KRESS: I was informed by Mr. Carr it was constructed to Town standards.

JAMES MARTIN: Aviation Drive should become a dedicated road.

DANIEL KRESS: Yes.

BRAD GROVER: The anticipated increase of vehicles onto the road there with the new construction going on and also with warehousing, how many more do you anticipate?

MR. JACKSON: I can't tell you exactly, but I know that when we did a traffic study initially when we started this parcel, this project that was set up for the whole parcel and took into consideration the types of uses we would be having on it, so until this thing is totally built out, we don't anticipate a large amount of traffic. In fact, what is happening is that it is far less than we anticipated. Case in fact, the first building that we built was way over-parked based on the number of people there and the users. So the traffic is far less.

BRAD GROVER: Other thing is on Paul Road the sight distance, Paul Road coming out of Aviation Drive will be to specs?

MR. JACKSON: Yes.

DENNIS CIALINI: Conservation Board approves the landscaping plans, and we had concerns about the occupancy of the building by person or persons unknown. Apparently since there are no tenants at this time, we're going to request if somebody knows who the tenants are, that they appear before the Board. But since there are no tenants, they would not be able to have that happen.

MR. JACKSON: I can tell you whomever we bring into the building will be certainly in compliance with the Town code and zoning.

JAMES MARTIN: If it looks as nice as the Curbell building, there won't be any issues. It is a nice looking structure.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Question about the traffic pattern. Will trucks be entering on the southerly end of the building?

MR. JACKSON: Yes.

MS. BORGUS: Then coming in and backing into those loading docks?

MR. JACKSON: In there, back into the docks and out this way.

MS. BORGUS: It is 60 feet, you say, from the back of the building to the edge of the pavement?

MR. JACKSON: Yes.

MS. BORGUS: To the solid line?

MR. JACKSON: Yes.

MS. BORGUS: Thank you.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Is warehousing permitted in a Limited Industrial application and heavier forms of industrial application?

JAMES MARTIN: I believe it is a permitted use.

MR. JACKSON: It is permitted in the ADATOD Overlay District.

CHARLES RETTIG

MR. RETTIG: What is the status of the clean-up on the property as far as New York State DEC?

MR. JACKSON: It's still an active site as far as they're concerned, but we are out of the area. We have even -- the contamination was originally -- the restricted area was in this site right

here (indicating), this area here (indicating). The plumb was kind of flowing this way (indicating). We have just covered everything. We have applied to the DEC and the Albany Health Department, the New York State Health Department. DEC has reviewed it. They don't have any problems with it. We just have not heard back from the Health Department. One of the things that helps our situation, if you will, is that we won't be excavating in this area here (indicating). We'll be filling about 8 feet. Instead of digging, if there is contamination which we don't believe there is, nor does DEC, we won't be excavating. We'll be filling it.

JAMES MARTIN: Have you done soil analysis, deep hole testing?

MR. JACKSON: There are -- I don't have it on this map, but there are sentinel wells that they call it that -- they monitor all of the time. There are other wells all over this area (indicating). It is an ongoing thing. I think Bausch & Lomb has to submit a report every six months to DEC or at least once a year.

MR. RETTIG: Further question on that. You indicate wells. Water wells for water testing and migration. Have there been any soil testing for wastes on the side, solid waste?

MR. JACKSON: I can't speak to that. I don't know.

MR. RETTIG: You don't know if that is an ongoing issue with DEC?

MR. JACKSON: No. I know that there is a possibility DEC -- I mean Albany Health Department may require positive ventilation beneath the slab on this building. DEC doesn't think so, but it could happen. And, of course, we would do it.

JAMES MARTIN: Would you be prepared to do it if you have to?

MR. JACKSON: Sure.

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

The public hearing portion of this application was closed at this time.

Jim 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.

The Board went over the proposed conditions.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 6 yes with the following conditions:

1. Front parking variance required by the Zoning Board of Appeals.
2. Note liber and page of deeds of existing drainage easement located on Lot R3B2 on the mylar.
3. Aviation Avenue to become a dedicated road to the Town of Chili.
4. Contingent on Town Engineer's approval.

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

DECISION ON APPLICATION #4: Unanimously approved by a vote of 6 yes with the following conditions:

1. Front parking variance required by the Zoning Board of Appeals.
2. Note liber and page of deeds of existing drainage easement located on Lot R3B2 on the mylar.
3. Aviation Avenue to become a dedicated road to the Town of Chili.
4. Contingent on Town Engineer's approval.

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

There was a recess in the proceedings.

5. Application of Four Point Rod & Gun Club, owner; c/o David Fox, 1742 Parma Hilton Road, Spencerport, New York 14559 for renewal of conditional use permit to allow hunter safety training, skeet and trap shooting, and amend to include archery and firearms at property located at 4400 Union Street in A.C. zone.
6. Application of Four Point Rod & Gun Club, owner; c/o David Fox, 1742 Parma Hilton Road, Spencerport, New York 14559 for preliminary site plan approval to erect a 14' x 54'6" addition to clubhouse and a firearms range at property located at 4400 Union Street in A.C. zone.

Ermano Fallone was present to represent the application.

MR. FALLONE: Member of the Four Point Rod and Gun Club. The reason we are present tonight is because our club has grown consistently for the last few years up to about 170 members. Some of the things we're asking for is more providing services for our membership.

The first thing I would like to address is renewal of the conditional use permit. There were a number of slight modifications we would like to ask for upon renewing the permit. First one is the hours of operation.

First thing we should address, when the club was granted the permit, the archery aspect of our club was never addressed. One of the things we would like to do is be able to provide services where people can come and use bow and arrow for practice and for training.

The -- another one of the conditions was hours of operation from 9 a.m. to sunset. We would like to modify that from 9 a.m. to 8:30 p.m. The reason for that is the club is involved in league shoots. Where our club shoots from Brockport, Bergen, all over the County and outside the County. Some of the functions tend to run long and we won't get done until 7, 8 o'clock at night. We would like to run until 8:30 if possible.

The other issue is special events are to be submitted to Planning Board annually before January 15th. We would like that extended to January 31st. The problem we have, a lot of the league shoots, their schedules aren't determined until the mid of January, so we're not aware when the shoots will be scheduled, and usually by third week in January, we're aware of the dates and we would like until the 1st to present our special events to Planning Board.

The other condition that we would like to have modified again because of the league shoots we're involved in right now, we can't start until 9 o'clock. We would like to have that be 8 o'clock in the morning on days we have special events.

Other than that, the 9 o'clock starting time is fine. The other question we had is if our special use permit could be granted to a longer period than five years. If it could be possible for ten years instead of the five years we're currently dealing with.

JAMES MARTIN: That modification was for special events you wanted what time?

MR. ERMANO FALLONE: 8 o'clock in the morning instead of the 9 o'clock. That is just in case of the special events.

JAMES MARTIN: How many a year do you have?

MR. ERMANO FALLONE: Less than eight.

JOHN HELLABY: The way I read your existing condition, it says you can start those eight special events at 8 o'clock now. I don't think that is a change. You want to keep it the same then.

MR. ERMANO FALLONE: Must be a mistake I have then. I was under the impression we couldn't start before 9. But if that is 8 o'clock, that's fine. Then we're fine the way it is.

KAREN COX: Special events being like things like what have you included on this list, the turkey shoot --

MR. ERMANO FALLONE: The league shoots with other clubs.

JAMES MARTIN: Early starting times special events shall not exceed eight per year or start before 8 a.m., so that condition is already in place. They are fine the way it is.

MR. ERMANO FALLONE: Do you want to deal with the second part at this time?

There are a number of changes we need at the club to serve the number of people that have joined our club. There are basically three changes we're looking for. One of them is an existing -- extension to the existing clubhouse. 14 feet out and across the entire front which is 56 feet.

The second change we would like is the ability to illuminate two of the fields, one of the trap fields and skeet field and to establish a shooting range of 200 yards on the southeast corner of

the property.

JAMES MARTIN: For what intended purpose is that shooting range?

MR. ERMANO FALLONE: One of the big problems our membership has is you can't go sight in our gun club your rifle. Just additional –

JAMES MARTIN: Handguns also?

MR. ERMANO FALLONE: Yes. Handguns will also be used.

DENNIS SCHULMERICH: For sighting only or routine discharge?

MR. ERMANO FALLONE: You would -- it would be routine discharge. If somebody wants to sight their rifle. I have pictures of an existing rifle range at the Genesee Conservation League in Penfield. It will show you how the range is set up. I will pass these down.

KAREN COX: Which direction?

MR. ERMANO FALLONE: Shooting to the east. They will be shooting from west to east. This shows the clubhouse (indicating), the retaining wall for safety so the shells can't fire in a direction. This (indicating) shows the shooting in relation to the fire walls.

KAREN COX: They shoot through the openings.

MR. ERMANO FALLONE: Yes. They're limited so the angle, if there are any shots not right down the middle, are controlled by berms on either side of the field and at end of the field.

JOHN NOWICKI: In the event the arm can't come up --

MR. ERMANO FALLONE: There is a block wall that keeps the shells or rifle from shooting too high. It is limited to a certain angle and that angle is covered in width at the very end by berms 15 feet high.

JOHN NOWICKI: Genesee Conservation in Penfield, they have timbers that keep the arm.

MR. ERMANO FALLONE: Yes. They have timbers on the roof so if the rifle discharges accidentally, it can't penetrate further than the roof. We'll incorporate that.

DENNIS SCHULMERICH: Can we assume the approach would you be taking is similar to that?

MR. ERMANO FALLONE: Exactly the same.

DENNIS SCHULMERICH: Around making the migration from skeet and trap to firearms, what range of firearms are you --

MR. ERMANO FALLONE: There are some semi-automatic weapons used for hunting, but bolt action or bolt action rifles are used mostly, but they're limited. The size of hunting caliber, you're not looking at a .45 or .50 caliber rifle arrangement.

DENNIS SCHULMERICH: Any restriction or limitation on the type of firearms?

MR. ERMANO FALLONE: We have not discussed that. There could be limitation for maybe nothing larger than .50 caliber. That is something that could be addressed.

JAMES MARTIN: What about ammunition itself? You can do all kind of things with ammunition.

MR. ERMANO FALLONE: There are practical limits. There are safety levels the reloaders abide by. As do the manufacturers. You won't have a super hot load, because there is no practical value to it. You can't do it consistently and you would be foolish to do that.

The Genesee Conservation League, they're very meticulous about reloading and trying different shells and things of that nature.

JAMES MARTIN: Strictly enforced?

MR. ERMANO FALLONE: Yes.

DENNIS SCHULMERICH: Other facilities like this on the west side?

MR. ERMANO FALLONE: No. That is one of the advantages. The only place you have to shoot is Genesee Conservation League which is in the middle of Panorama Plaza, on the opposite side of town. That is the only 200 yard facility around.

DENNIS SCHULMERICH: If you were to install this facility as depicted, would you expect to see significant increase in membership?

MR. ERMANO FALLONE: I would think we would see significant increase because there are no other facilities around here. Some of the members – we have all shot trap or skeet, and when it comes time to shoot a rifle or sighting it for deer season, we go to the Genesee Conservation League.

JOHN NOWICKI: Genesee Conservation League has an indoor pistol range. You will not have that?

MR. ERMANO FALLONE: Not our intention at this time. I don't think right now we're definitely not talking anything like that. The facilities for that are rather extensive for safety.

JOHN NOWICKI: I'm taking courses over there. They're very well done.

MR. ERMANO FALLONE: Prime example of number one club in New York State. Model

for number of clubs.

JOHN NOWICKI: That is why I'm questioning you on design of this particular situation here. What kind of standards. NRA standards?

MR. ERMANO FALLONE: Established by the NRA. That is how they established theirs and we'll follow same ones.

DENNIS SCHULMERICH: Do they have lighting for night shooting?

MR. ERMANO FALLONE: Yes. The thing with our sport, if you go to an event, New York State shoot, usually it ends up in a tie and shoot-offs are in the dark at night. Unless you have practiced under those conditions, it is silly to go to that extent and try to do something. All the clubs have one field members can practice at so if they get into a shoot-off, one of the local or State shoots, they do have experience. There are diagrams we have for lighting. Lighting is enclosed in the area. It varies from 36 candles down to one at the very fringe where targets fall and that's still 750 feet away from the Thruway. No spill over. The lights can be directed and controlled. The poles are 35 feet. We're looking at four 1500 watt course lamps.

DARIO MARCHIONI: I saw the concrete wall. Where is that located?

JOHN NOWICKI: In front of the shooter.

MR. ERMANO FALLONE: In front of the shooter at beginning of the range. The extreme west edge of the shooting range.

JOHN HELLABY: Is that berm placed on the right way? Or should that be on the other end?

KAREN COX: The fill material, relocation.

JOHN HELLABY: This berm -- you're shooting this direction.

MR. ERMANO FALLONE: Three berms. The two sides and very end.

JOHN HELLABY: You will be shooting in that direction?

MR. ERMANO FALLONE: Yes.

JOHN HELLABY: That thing belongs down here with return on both ends? You will build the shooter's house on the wall where this is shown.

MR. ERMANO FALLONE: Where you're pointing is where the roof enclosure is. That is where the block wall is also located. That controls the angle of the flight of the bullet, so the flight of the bullet is limited to the bermed area.

JOHN HELLABY: So it is where the berm is shown now. It will go here (indicating). That berm is actually going to encompass this end down here (indicating).

MR. ERMANO FALLONE: Both sides and the end.

KAREN COX: I would like that on the plans. That is a big approval item.

DENNIS SCHULMERICH: We have very nice drawings of the addition to the building, and it is good to see that. Opinion I'm left with is for seriousness of the potential for something to go wrong when you get into discharge of firearms beyond shot guns, understanding that plan and buying into the safety of that plan is the purview of the Board as well as your own board.

MR. ERMANO FALLONE: Everybody's biggest consideration.

DENNIS SCHULMERICH: I understand the drawing, what you're asking for. I would feel comfortable if I had the same kind of detail with the firing range that we see in some of the planning drawings.

KAREN COX: A detail that shows the concrete box walls like in the photo you showed us would be a good thing also.

MR. ERMANO FALLONE: I have the details of the berm, but I believe you're talking more overall picture, the berm, the walls and berms and maybe like cross-section.

DENNIS SCHULMERICH: You have done a good job describing it, but we're internalizing it in our own way. I understand what you're trying to do. It is good your group is growing. I think that definition would be helpful.

JOHN NOWICKI: As he looks at this thing, on the drawings themselves, because of the requirements of safety here that we're all concerned about, I think these drawings should be signed and sealed by a professional person so we have some person responsible to address the safety issues from a liability standpoint. I could be wrong, but I feel more comfortable knowing the NRA standards are met. They're on the drawing placed properly. We all understand what is going on here. I'm a little concerned we have this spelled out correctly. I'm not against this. Just saying we have to have it done right.

MR. ERMANO FALLONE: I understand that. Is it possible to continue with the addition of the building and lighting of the fields which gives us time to work on the rifle range?

JAMES MARTIN: I don't want to see much started until we have a plan in front of us that we can all understand and it is really stamped by a professional engineer or somebody who has

design credentials for this type of a firearms facility. To allow you to go ahead and start something without that in place, I don't think is something I want to see happen.

DENNIS SCHULMERICH: The way I heard the question was, I could segment in two parts. The first would be addition to the building which is you could do that completely divorced from the firearm range.

JAMES MARTIN: Okay. I misunderstood that.

KAREN COX: That could be done under building permit.

DENNIS SCHULMERICH: The light is for skeet shooting as opposed to firearms?

MR. ERMANO FALLONE: Main priority is the addition on the building. That will give us time to --

DENNIS SCHULMERICH: When I asked that question, for the lighting being put in is that put in in such a way you would expect the firearm range would also be operating at night?

MR. ERMANO FALLONE: No.

KAREN COX: You don't hunt at night. You're not supposed to.

JAMES MARTIN: We would allow him to go ahead and start construction on the building prior to putting in the firearm range.

DENNIS SCHULMERICH: Three sections, the building, lighting shotgun --

KAREN COX: Can't the building addition be done under building permit such as --

DANIEL KRESS: If you have an approved site plan, sure.

JAMES MARTIN: You have to have an approved site plan. That is where he was hung up. What we have is -- is inadequate. We're back to square one. We need a site plan, stamped approved -- based on the information you have provided. I mean --

KAREN COX: These are stamped, but this is an old drawing.

MR. ERMANO FALLONE: Revised old drawing.

JOHN HELLABY: My dad passed away four years ago.

MR. ERMANO FALLONE: The Board wouldn't consider this is a stamped site plan? I mean, an engineer has reviewed it and stamped it, as much as the addition goes.

KAREN COX: Who stamped it?

JOHN HELLABY: Where you will get into a problem is the educational laws of the State of New York. Larry (Nissen) has made comments to it in his letter here. You have taken an original drawing stamped by a professional engineer, actually made changes and stamped by licensed architect that cannot stamp a site drawing on behalf of engineering problems because there are septic issues involved here. You will have to get a site engineer involved because it has to have Monroe County Health Department approval. It appears by the drawing you will have to relocate the holding tank.

MR. ERMANO FALLONE: We measured it out, and we don't have to. The location of that collection box is actually a little further out.

JOHN HELLABY: That alleviates that headache, but you need a site engineer to come up with what the Planning Board is asking for. He is licensed to approve actual building construction but not site drawings. I mean, if you took this downtown and tried to file it, there would be problem. It would be his license that would be in question.

JAMES MARTIN: I would like you to Confer with Monroe County Health Department about the septic system to make sure you're in conformance.

KAREN COX: The licensed PE could determine that. Site engineer.

JOHN NOWICKI: It would be nice to do it this way. You will grow. You will continue to grow.

MR. ERMANO FALLONE: Hopefully we'll continue in that direction.

JOHN HELLABY: Do it right.

JOHN NOWICKI: Do it right and we'll all enjoy the facility I'm sure.

DENNIS SCHULMERICH: Are you clear in understanding what we're asking you to do?

MR. ERMANO FALLONE: Yes. We need a PE instead of an architect.

DENNIS SCHULMERICH: I don't want you table it walking out of here --

MR. ERMANO FALLONE: I fully understand what you're asking for.

JAMES MARTIN: We could table it to the next meeting. April 12th would be next Planning Board meeting if you think you could meet that.

MR. ERMANO FALLONE: We could have it done by then.

JAMES MARTIN: You have a deadline to meet to get the application in. Application deadline for April Planning Board meeting is -- we're just about there. March 11th.

MR. ERMANO FALLONE: Wow.

JAMES MARTIN: So to meet the May 10th meeting requirement, you would have to have

the application in by the 8th of April.

MR. ERMANO FALLONE: Let me go back and we'll confer with the people involved and decide which direction we're going.

KAREN COX: I don't think the Board is against the plan, the idea of the plan or the concept that you want to do. It is just we need more information.

JAMES MARTIN: I agree. We're not trying to give you hard time about what your intent is. We want to make it right.

MR. ERMANO FALLONE: I understand.

JAMES MARTIN: At this time, on -- we might as well table both applications.

JOHN NOWICKI: We can get this done right so we can waive the final.

MR. ERMANO FALLONE: We could go for preliminary and final at same time.

JOHN NOWICKI: That could make it easier. If you have any problems at all during this process -- as long as you know where we're coming from.

MR. ERMANO FALLONE: Very good.

DECISION ON APPLICATION #5: Unanimously tabled by a vote of 6 yes until the May 10th meeting for the following reasons:

1. Plan needs to show correct design of new firearm range.
2. Site plan should be signed and sealed by professional engineer.

DECISION ON APPLICATION #6: Unanimously tabled by a vote of 6 yes until the May 10th meeting for the following reasons:

1. Plan needs to show correct design of new firearm range.
2. Site plan should be signed and sealed by professional engineer.

JAMES MARTIN: At this time, I would like to like a motion that John Nowicki be named temporary Chairman of the Planning Board. Do I have a second to that motion?

KAREN COX: Second.

The Board voted unanimously in favor of the motion to name John Nowicki temporary Chairman for the purposes of conducting Application 7 this evening.

JAMES MARTIN: At this time I will excuse myself and turn the meeting over to John Nowicki.

DARIO MARCHIONI: Mr. Chairman, I would like to be used also.

7. Application of Forest Creek Equity, Corp., owner 3240 Chili Avenue, Rochester, New York 14624 for final subdivision approval of 29 lots under incentive zoning to be known as Park Place Section 6 at property located at 3800 Union Street in PRD zone.

Bernie Iacovangelo and Walter Baker were present to represent the application.

MR. BAKER: Walt Baker with DSB Engineers and Architects. We me is Bernie Iacovangelo, Forest Creek Equity developer for Park Place Subdivision.

As Chairman stated, we are here for final approval for what we're calling Phase 6 of the Park Place Subdivision. Along with that, we also submitted a letter for modification to the preliminary plan.

MR. BAKER: As the Board may recall, we initially started this project back in 2001, and we received preliminary overall approval in the summer of 2002 for the entire site, and the map that we posted on the board is the original plan that we presented to the Board showing the entire parcel.

After we received preliminary approval with SEQR determination, we subsequently submitted for what was called Phase 1, 2 and 3 for final approval, and as the Board probably recalls and probably the audience, in 2003, we had Homearama in the Phase 2 portion of the site, and it was received very well, and subsequent to that, we moved on to Phase 3 in the construction

of 3, 4 and 5, and that basically does the northern end of the site.

Now we're working on Phase 6. Like I mentioned, we originally had that phasing plan with the ten phases on that drawing from the 2002 preliminary approval and during the process and the time changes were made with New York State DEC and federal government. I'm sure everybody is familiar with the SPEDES II referring to site discharge and drainage for projects. Dealing with the State and the Town and Town Engineer, we redesigned the site.

Subsequent to that is why we're coming in for preliminary overall plan review and modification to the plan. The first plan, if we can take and show you where the original Phase 6 was down in this area, 7, 8, 9 and 10, working our way out, and this area here was originally slated for on-site storm water detention, that section there.

JOHN NOWICKI: Is the entire remaining land area -- that is being worked on now?

MR. BAKER: Grading wise.

JAMES MARTIN: Right now we're looking at this application here for Section 6 only?

MR. BAKER: Final approval for Section 6 for the construction of 29 homes for Section 6.

JOHN NOWICKI: That is impacting the neighborhood to the east with drainage?

MR. BAKER: Basically to the south.

JOHN NOWICKI: North/south.

MR. BAKER: The site drainage basically splits north to south. We did the first five phases of the project and it drained to Black Creek. We had on-site detention for that. Now we're going into Section 6 and with the SPEDES changes, we're increasing the size of our detention facility two fold.

Back in the preliminary phases of the project the people from Wadsworth came out and expressed they had existing drainage problems downstream. Through no fault of their own or the Town, it was just basically the development of that area of the Town wasn't done in the process it is done today with the planning and site plan approval. There were spot development of houses and lots which happens all over. With that there weren't any drainage improvements or structures built for that section.

As time goes on, they experienced problems with debris in the channel, growth in the woods and just natural blockage. So they expressed concern and what could we do in conjunction with the Town to improve that. Mr. Iacovangelo offered to work with the Town, the Town Engineer, Highway Commissioner and tried to come up with something to improve that. That leads me to the second map with the green coloring and gray areas which actually show the existing pond that is behind a couple of the houses on Wadsworth and drainage channel that leaves that pond, existing pond and meanders through the backyards of those lots, crosses Bowen Road into Mill Creek.

JOHN NOWICKI: These are the areas you're trying to get easements across?

MR. BAKER: Yes, sir.

JOHN NOWICKI: Are you making progress on that?

MR. BAKER: Yes. We have been working on that for two years.

MR. BERNIE IACOVANGELO: Two and half years.

JOHN NOWICKI: I thought I seen you somewhere before.

(Laughter.)

MR. BAKER: We're working with the Commissioner on that. We have called this area the Wadsworth Drainage District and we're trying to get -- in order to have the Wadsworth Drainage District, the people in that district, or the homes or lots in that area have to sign an agreement to be within that district, and we're also looking to have drainage easement across it. Besides the district encompassing their properties, it would have a drainage easement over the creek channel that is creating the problems for the Town to have the ability to go in and clean it on their property. The Town is willing to do that and put forth the funds to clean that channel. Mr. Iacovangelo has helped to do that.

JOHN NOWICKI: These are all on record?

MR. BAKER: Yes.

JOHN NOWICKI: Letters to that effect? Do we have this information on record?

DANIEL KRESS: What information are you referring to?

JOHN NOWICKI: Any of these agreements on the drainage easements? Are any of these agreements made between either the Commissioner of Public Works and applicant to clean ditches and all these other items?

MR. BAKER: Well, Mr. Carr, Commissioner of Public Works is presently obtaining signatures of the property owners that are affected and he still has two or three that aren't completely on Board yet, but he is working on it.

MR. BERNIE IACOVANGELO: Just so you know, the law firm of Gallo & Iacovangelo

prepared all of the district forms, petitions and resolution, everything for signatures. We have obtained a lot of signatures in this area for the formation of a drainage district and also for the easement. However, Joe has been unable to secure three or -- three signatures for this. Which is right in the middle of the drainage pattern.

KAREN COX: Is there reason for that? Somebody thinking they're getting more money?

MR. BAKER: I don't know if it is money, other than they think it might have negative impact on their property by having an easement. Some people feel an easement on the property will depreciate the property value. It is probably more an education type thing with the affected people.

MR. BERNIE IACOVANGELO: If you let me explain this further, if you recall when we first came in there, this area here had been a constant drainage problem for these residents and Jim Martin knows, he has lived there for years. One of the reasons that he steps off as member is because he is a neighbor, he is affected by this.

But this drainage problem, the first time we met with these homeowners they brought in photos showing this whole area here (indicating) flooded right across the road. What we did is embarked upon a study of this whole area. And Chris Dewer (phonetic) with DSB has been out here for the past two and half years working on this. Part A is that from this point here (indicating) to this point here (indicating). There is a 2 foot fall. It is as flat as you can get. And we have had DSB do engineering for it and has given it to Joe Carr in the Town. Joe (Carr) has asked that we start some of the installation. We put a large 24 by 30 elliptical across Wadsworth and another one across Bowen. We have installed that already as part of this drainage improvement that we said we would as good Samaritans help the Town with.

The problem you have with here to here (indicating) with that kind of fall 2 feet over that long distance, there is not a lot of area. So now water when it gets down here (indicating), it can free flow very nicely through here (indicating). The problem you have is unless you define this a little bit -- we had a meeting just last week with the homeowners, one of the things we told them we're not looking at -- this would be like a small swale on a golf course, maybe six, eight inches deep over couple, 3 feet wide because there is not the fall you need, but it would be able to garner water and move it through here (indicating) down to Mill Creek. And the only problem is the three individuals in the middle from this point here (indicating) to this point here (indicating) refused to grant easements.

JOHN NOWICKI: So you --

MR. BERNIE IACOVANGELO: This has migrated. The swale has migrated. In the middle of the swale, you have 10, 12 huge trees so that slows the water down. So this is relatively flat in there. So what ends up happening is water reaches that area and migrates out and flows off very slowly. These two drainage pipes we put in for the Town work very well except they're so large, if there is any debris in the way, it will float it down and through the pipe. When we had one of the hurricanes, the remnant of one of the hurricanes that hit Florida, it flooded 2 by 8s somebody had in their backyard through the pipe and damned it up, and this poor gentleman on the corner (indicating) got his home flooded because all this water moved down. It was working the way we designed it. Only problem is when that 2 by 8 hit that, it just flooded and clogged it up.

As soon as they removed the 2 by 8, all of the water flowed freely. The things we have designed in conjunction with Joe Carr of the Town we believe will work very good to assist these groups in the relief of their problem. We can't redesign it. We can't rebuild it. You have houses that are already existing. So basically what we're trying to do is if we had -- actually, if we had everybody's signature a year and half ago, this would have been completed. We have been waiting on and working -- we're just good Samaritans. We're helping out. We told the Planning Board we would do that.

It may come to a situation where the Town Board may have to consider obtaining easements on those for drainage purposes.

JOHN NOWICKI: In forming the district.

MR. BERNIE IACOVANGELO: In forming the district. That is where we are. We think that everything we have done here and propose -- now one of the issues that has come about is all of the information we have provided, we have provided to Joe Carr. Joe (Carr) has not taken the information and shared it with Joe Lu's office because this is an existing Town problem.

One of the comments from Lu's office is there should be an overall study done of this area, engineering study. Now that's not anything we can initiate. This is off site. Not part of our site. This is an existing problem in the Town and that is a Town Board consideration, not a Planning Board or developer consideration, as far as how much study has to be done.

So he just wants to address that, because that was one of the comments, but what we have

designed here we believe will work. We know that the water will flow if we can get a channel in there.

MR. BAKER: This was the original preliminary phasing plan. The second map shows the revision to the phasing plan. Basically the northern end stayed the same. Phase 6 where he is pointing now (indicating) would be the far corner. We would work our way in with the site through 7, 8, 9 and finish in Section 10 with the cul-de-sac.

Again, basically this is an evolution based on the changes with the SPEDES requirements and federal government with the wetland area. The wetland originally when they came in for preliminary approval two and half years ago, we were intending on improving the wetland and Army Corps in charge decided they had wanted the wetland to stay the way it is and any improvements would be done outside that area.

So what we did was develop basically an acre and half pond on the outside of the wetland area staying completely out of the federal wetland. We were trying to improve it, but they wanted it to stay the way it is today. They do want the water going into a wetland, so we're discharging into the wetland so they still have the flow which helps with vegetation. It is a filtering effect. That will maintain the way it is today.

DENNIS SCHULMERICH: Where is that pond in relation to Phase 6?

MR. BERNARD IACOVANGELO: Here is Phase 6.

MR. BAKER: Outside of Phase 6. We're building it to accommodate Phase 6 through 10. We're building it in entirety now.

DENNIS SCHULMERICH: Not part of Phase 6 but required in conjunction with Phase 6.

MR. BAKER: Right. Our storm system will discharge into that pond. We'll build it in entirety so it is complete, so when we get to Phase 7, the pond will be established for that flow all of the way through to Phase 10.

DENNIS SCHULMERICH: How much going on in Phase 6 is contributing to what is going on in the Wadsworth area? Would we be talking about drainage areas in Wadsworth?

MR. BAKER: Wadsworth had drainage issues before we started two and half years ago. Based on that, our pond actually grew in size. For sake of numbers in drainage calculations, we're allowed what is considered 40 cfs of water to leave the site in a fully developed state based on existing conditions. So existing would be 40 cfs. Our discharge will be increased because of the impervious --

JOHN NOWICKI: Fully developed -- up to how many cfs fully developed?

MR. BAKER: Up to about 72. But we're throttling it down to 25. We're allowed to have 40, but we're throttling it back to 25 to help the Wadsworth area. We're increasing our pond to throttle it down to 25.

DENNIS SCHULMERICH: I have been following the trail of letters back and forth. Quite frankly, a little confusing at best.

Fundamental question I have is for what you want to do in Phase 6 for final approval, how does what is going on in the Wadsworth drainage district area impact Phase 6?

MR. BAKER: Phase 6 is basically on our design only one-fifth of the entire build-out, so what we're sending down for the development of this Phase 6 is only one-fifth what will occur. So the pond we're building now will basically be used only one-fifth its capacity.

As Bernie mentioned, we're still working with the residents. The biggest problem is the channel. Our pond will have only three-inch discharge throttling it down.

DENNIS SCHULMERICH: To properly channel the water based on how you have the plan drawn requiring the remaining three easements from residents is a critical aspect of that?

MR. BAKER: Not really.

DENNIS SCHULMERICH: I'm using a polarizing word to get to how important it is.

MR. BAKER: We have already installed the culverts downstream. It would be nice if it was defined. So when it has a storm event, it doesn't flood out in different sections.

JOHN NOWICKI: It was Section 6 -- this Wadsworth area sounds like a continuing situation up through remaining sections whether 7, 8, 9, 10 to solve the problem even if the problem has to go to the Town Legal Department to get the final easements across the properties. But we'll proceed slowly through this thing even beyond Section 6. One way it has to be involved.

Either we'll get the people to sign the easement or we'll do it through what, Eminent Domain?

KEITH O'TOOLE: Friendly persuasion.

JOHN NOWICKI: That is a good one. So somewhere along the line this problem will be solved.

MR. BAKER: But what you're getting at is by us approving Phase 6, will that have negative

impact on existing situation downstream? No, because we're installing the detention pond now on site. What is happening off site, we're trying to be good neighbors and work with the Town to help the neighbors experiencing problems but part of the problem is just age. The creek channel is older, the trees fall over, ice storms. They don't have means to clean it.

KAREN COX: The flow coming out of the pond when it is built even with Section 6 going, as I understand it, is going to be less than what is leaving the site now.

MR. BAKER: Today, correct. When I had 40 cfs, that is based on a 100-year storm event. Your typical two-year storm, five-year storm events, it is down 5, 10 cfs.

MR. BERNIE IACOVANGELO: This is already cleaned. Joe (Carr) has improved that somewhat. Some of the neighbors told us after it gets a certain way down through the property, it falls fast enough.

MR. BAKER: Joe (Carr) cleaned from Mill Creek up to Bowen. Then we analyzed for two structures, putting two culvert structures at Bowen and Wadsworth. He secured permission going alongside of Anderson' property, alongside Wadsworth. The Anderson family, they're even receptive to defining the channel across their property, and then we hit the three that are not convinced.

MR. BERNIE IACOVANGELO: We started backwards. So he has really started from Mill Creek back up to Bowen. We have put in pipe across Bowen here (indicating). This is just enlargement. We put a pipe across Bowen and a pipe across Wadsworth. Then Joe (Carr) decided here (indicating), see this line here (indicating) that is natural swale. He said he wanted it to go this way (indicating). This has already been put in (indicating) so we have -- Joe (Carr) has come up from Mill Creek. We have this pipe in, this pipe in right up to about here (indicating). Had we had these, we -- we would up to this area here (indicating). One of the things you have to remember, we'll have the storage in this pond (indicating). There will be a flow rate out of 25 cfs at 100-year storm, but this whole area here that is designated a federal wetland, not a State wetland -- just federal will be another storage facility like it is today. So -- that thing will store. There are marks on trees it stores up to 18 inches of water in certain spots. Just migrates off slowly through here (indicating), down in this area (indicating), and we plan on doing some revisions to this pond.

We have already received the approval from Mr. Martin, I believe, is the first one. I think you folks are familiar with him.
(Laughter.)

MR. BERNIE IACOVANGELO: His cohort, Mr. Englert, and the Foxworths.

JOHN NOWICKI: It will be an ongoing process.

MR. BERNIE IACOVANGELO: We'll not push any more water at a faster rate down here.

MR. BAKER: We did submit the overall plans with the modifications and the Phase 6 plans to the Town, the Town Engineer. The Town Engineer made some comments. They're technical in nature.

KAREN COX: This presentation answers quite a few of the questions I had about the drainage, but now we come to the issue of the SWPPP. I don't know if it is a major issue, but it appears there is some confusion as to who the approving agency is. In other words, the storm water pollution prevention plan. It appears there is confusion as to whether the Town is the approving agency or DEC. I don't know if you know.

KEITH O'TOOLE: It's never been a question as to who approves it. It is DEC's permit. Only thing we deal with is the outcomes of the permit, how it affects the design. If it affects it from an engineering point of view, it will affect an engineering point of view.

DAVID LINDSAY: Larry (Nissen) is in discussion with Walt (Baker) on it.

JAMES MARTIN: If we get to this section and -- we'll need conditions on it.

MR. BERNIE IACOVANGELO: From engineer's approval. In fact, he put in his last letter of March 4th he is requesting it be subject to his complete final review which we have done before.

JOHN HELLABY: I know you discussed the change in the wetlands of the pond but what -- separate from that, what changed your train of thought from building the inside towards Union Street. You virtually flipped the whole thing over. Now instead of building out, you're building in. What is the reason behind that?

MR. BAKER: Originally that whole haul road aspect in construction was when we first started Phase 1, then we no sooner started the project heading towards preliminary approval and Homearama saw Chili as being a prime location to have a Homearama site. With that, Mr. Carr didn't want the traffic for the Homearama people to impact the construction of the houses in Phase 1 and 2. Now that we have -- we had to redesign the southern end with the wetland area. We

ended up creating another cul-de-sac at the end and started looking, do we need a haul road because there are stub roads from 1 and also 4 and 5.

So we have access points there. And this section (indicating), if you look at --

MR. BERNIE IACOVANGELO: One of the other main ingredients, if we had done it this way (indicating), you know the way we had originally talked about it, everything would be coming in one try. When we discussed it with Joe (Carr), we thought dual entry would probably be best for emergency vehicles, and flow of traffic, because one of the things you don't want is this whole thing being developed, and the last point that you're going to develop is a second entry. He said that would be overloading.

JOHN NOWICKI: From that second entrance to the crest of the hill, the line of sight, has a line of sight study been addressed there?

MR. BERNIE IACOVANGELO: Yes.

JOHN NOWICKI: The speed limits are not 40. They're 50.

KAREN COX: Speed limit?

JOHN NOWICKI: Actual speeds. The speed limit is 40.

MR. BERNIE IACOVANGELO: Those people south of here, they tend to want to get home so quick.

JOHN NOWICKI: Skiers coming back from Swayne want to get home in a hurry, too.

MR. BERNARD IACOVANGELO: We have looked at sight distances. There doesn't seem to be any problem. One of the things that we did have to do once we put that -- this section and next section we have to add in a turn lane up here (indicating). There is an additional lane going up in this area (indicating).

JOHN NOWICKI: Any signage needed from the crest of the hill back to the second entryway?

MR. BERNIE IACOVANGELO: We didn't get a comment like that back in the County.

KAREN COX: They would have. If the sight distance requirements were not met, they would have asked for intersection ahead sign.

MR. BERNIE IACOVANGELO: That was a major concern. Because Joe (Carr) started looking at -- one of the real things that triggered all of this was that the interest rate and the market had moved this far ahead of our projections. As far as sales.

And when we started talking to Joe (Carr) about this, he said, "I'd rather have the second entrance in there ahead of time and move that way so we have a freer flow of emergency traffic through the subdivision."

JOHN HELLABY: Reworking that wetlands area, I notice one of the through roads is turned into a cul-de-sac. How does that impact lots, lots sizes?

MR. BERNIE IACOVANGELO: Basically the same.

JOHN HELLABY: Number has not changed.

MR. BERNIE IACOVANGELO: Has not changed.

JOHN HELLABY: Build out other sections. Where do we stand with Sections 1 through 5 as far as construction?

MR. BERNARD IACOVANGELO: 1 through 5 is all -- the improvements are all completed except for some in 3, 4 and 5.

JOHN HELLABY: Home construction in those areas?

MR. BERNIE IACOVANGELO: About 14 homes -- 14 lots yet to be sold.

JOHN NOWICKI: Street trees in?

MR. BERNIE IACOVANGELO: Street trees, streetlights in. I think that's one of the reasons why. Interest rates, and I have to tell you the neighborhood is very well accepted with the sidewalks and streetlights. We have been blessed. But interest rates have been a big impact on that.

JOHN HELLABY: A note Dan (Kress) made about not working in more than two sections of phases at any one time. I think the Board has to review the status of the -- I guess basically as I know a lot of the dirt work has either gone or is going on and whole balance of that end. Where do we stand with final grade work and roads and things like that? Now you're actually working on another five sections basically at one shot. I know you're in there for approval on build-out in 6.

MR. BERNIE IACOVANGELO: One of the things -- these are good questions. One of the things that you want to do, is -- a lot of developers haven't taken that approach -- is really balance it all at once. Balance your site. Get it graded up so you're not back here in your last couple sections looking for dirt or trucking dirt off. So you try to create a balance.

And so we have met with Joe Carr and Dave Lindsay, reviewed this whole area and this is about 70 percent complete now as far as the grade. They're building the pond and everything. We

have met all of the DEC SPEDES requirements and we continue to meet them on a daily or weekly basis through on-site reviews. This is all pretty much graded. Section 6 is needed because of the fact that we're in our spring market. By the time we get final approval, you go through the final engineer's reviews, signatures, filing, you're looking at another two to two and a half months before the plans are filed.

Then once they get filed, you can start your improvements. So you're looking at improvements starting in there probably around June realistically because you can't start improvements on Section 6 until you have letters of credit established, and you can't close on them until you have the signatures and plans filed.

So we're looking at June to July construction start. This will be all built. As soon as the snow goes and is complete, we have to seed this whole area. You have to seed it, blow straw on it or the third one is -- seed, straw or some other grown cover. That is a DEC requirement.

KAREN COX: Part of the Phase 2 regs.

MR. BERNIE IACOVANGELO: Correct. We have all of the siltation. We have the little ponds, silt sinks built. We have everything done to DEC. They do inspect it regularly.

JOHN HELLABY: Routine maintenance schedule?

MR. BAKER: Yes.

MR. BERNIE IACOVANGELO: They're all posted on site in the site Supervisor's Office. The permit is posted there, all part of the SPEDES II requirement.

DENNIS SCHULMERICH: You have 14 home sites remaining on 1 through 5. You're doing grading on balance of the sites for balancing the soil and elevation, and then what you're looking at is approval for Phase 6?

MR. BAKER: That sums it up.

DENNIS SCHULMERICH: What I think I heard from changes from preliminary to proposed final is change in the pond due to wetlands requirements second entrance which has been associated with Joe Carr. Population density remains unchanged. Is that a summary? Other development or design changes for preliminary.

MR. BAKER: Phasing renumbering.

DENNIS SCHULMERICH: The point I was trying to make earlier around the drainage flow issue, Phase 6 is a catalyst for reconciling a problem upstream and downstream. It is not as a result of Phase 6, but is a consequence. Phase 6 has brought this to a head. To get the downstream areas cleaned up.

MR. BAKER: The drainage divide actually occurs at this point (indicating) to the south.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: In the incentive zoning part of this project, if my memory serves me right, there was to be sidewalk along Union Street.

MR. BERNIE IACOVANGELO: Absolutely correct.

MS. BORGUS: Since you have built out to Union Street, when will that be put in?

MR. BERNIE IACOVANGELO: As soon as the second entrance comes in. We have been working with Joe (Carr) in defining it. This part (indicating) Joe (Carr) prefers not to put in. There was a piece just going to the north but there is no place for it to go. He is concerned about bringing pedestrian traffic here (indicating) and stopping. We're working with Joe (Carr). Whatever Joe (Carr) decides. But we have this connection here (Carr) that is going in between both entrances in this section (indicating).

MS. BORGUS: Do I see sidewalk there going further south?

MR. BERNIE IACOVANGELO: Yes. We put it in there, too. That is up to Joe (Carr)'s determination. To bring it to a pedestrian traffic endpoint.

JOHN NOWICKI: Any crosswalk designations?

MR. BERNIE IACOVANGELO: We're working with the Town for crosswalk designation somewhere around here (indicating).

JOHN NOWICKI: Obviously signage in both directions so people know there are pedestrian crossings.

MS. BORGUS: On incentive zoning, I believe another \$500 per lot given to the Town. How is that handled?

MR. BERNARD IACOVANGELO: By check.

MS. BORGUS: As a house is sold?

MR. BERNIE IACOVANGELO: No. By improvement of the section.

MS. BORGUS: So when a section is complete?

MR. BERNIE IACOVANGELO: When we go in for improvements.

MS. BORGUS: Up front?

MR. BERNIE IACOVANGELO: Up front.

MS. BORGUS: You're up to date with those?

MR. BERNARD IACOVANGELO: I believe so.

MR. BAKER: Each letter of credit is posted before the pipe is put in the ground.

MS. BORGUS: I had another question. That last discussion about grading more sections, can maybe John fill me in, the law, the rule, the requirement, restriction, whatever you want to call it, you can only work on two sections at a time.

JOHN NOWICKI: That was in comments Dan Kress made.

DANIEL KRESS: Section 96 provides development in no more than two sections at a time unless the Planning Board decides to vary that requirement and provides reason for making that decision stated in the minutes.

JOHN NOWICKI: I don't have a problem with what is going on.

MS. BORGUS: But you have not approved it up until now.

MR. BERNIE IACOVANGELO: They approved Phase 1, 2 and 3.

JOHN NOWICKI: Three sections.

MR. BAKER: The very first.

MS. BORGUS: Moot point.

JOHN NOWICKI: Yes.

MS. BORGUS: Not that it is probably relevant to this application exactly, but I find it amazing these people on Wadsworth have had drainage problems for so long and nobody did anything about it. Now suddenly this improvement, these houses are going in, and gee, somebody cares.

JOHN NOWICKI: Very typical.

MS. BORGUS: It's sad is what it is. Those people have had those water problems until we had a housing development of this size going in the next morning.

JOHN NOWICKI: Just like manufacturing automobiles in the country. Keep on making them, but roads are not built fast enough to handle cars produced and brought into the country.

CHARLES RETTIG

MR. RETTIG: Question. On the sidewalks. Parallel to Union Street on the east side. You indicated for Section 6 specifically you're planning on putting those in. Apparently the white area is other property and that would be decided by the Town, by Joe Carr; is that correct?

MR. BERNIE IACOVANGELO: Charles (Rettig), is this the area (indicating) you're talking about?

MR. RETTIG: The white.

MR. BERNIE IACOVANGELO: Those are Perna's lots.

MR. RETTIG: Town's decision, not yours?

MR. BERNIE IACOVANGELO: That is correct.

MR. RETTIG: Have you other properties to the north that go up to the entrance to Black Creek Park; is that correct? Not on this section but -- not on this drawing. Where is the entrance to Black Creek Park?

MR. BERNIE IACOVANGELO: Right here (indicating).

MR. RETTIG: Where are the two entrances to your property?

MR. BERNIE IACOVANGELO: First one is here (indicating). The second one will go down at this end (indicating).

MR. RETTIG: What is the additional size increase in the detention pond for the acreage and the volume?

MR. BAKER: The increase from?

MR. RETTIG: Your detention pond.

MR. BAKER: From what is required to what we're proposing?

MR. RETTIG: From what you initially proposed to what you're now putting in.

MR. BAKER: Almost doubled.

MR. RETTIG: Twice the acreage.

MR. BAKER: About seven-eighths now, acre and a half.

MR. RETTIG: What is the volume?

MR. BAKER: At maximum storage, 5 feet deep.

MR. RETTIG: What is the size of the 24 by 38 under Wadsworth?

MR. BERNARD IACOVANGELO: Under Wadsworth and Bowen. We put two in.

MR. RETTIG: You put two of that size?

MR. BERNIE IACOVANGELO: You had to cross Wadsworth first and then Bowen. That is the way it always ran. There were existing pipes there Mr. Rettig, and the design was to be able to flow the water quicker south to Mill Creek.

MR. RETTIG: I just wanted to understand that you put in a new 24 by 38 under Wadsworth specifically. Is that running from northwest to southeast or east/west?

MR. BERNIE IACOVANGELO: East/west.

MR. RETTIG: Then you put another 24 by 38 under Bowen running south?

MR. BERNARD IACOVANGELO: North and south.

MR. RETTIG: My concern is that even with the additional drainage, the front yard at the corner there at Wadsworth and Bowen still had a good deal of flooding in the front yard, and my comment there is if you don't have the drop, you need the additional volume of piping to get that flow under Bowen Road.

MR. BERNIE IACOVANGELO: That -- there was flooding there only because the pipes were so large that large pieces of wood in someone's backyard here floated through them and damned up the second pipe.

JOHN NOWICKI: He made that point in his earlier presentation.

MR. RETTIG: He made that presentation. I heard that. But I will make comment I saw it after it was opened and it was not flowing and releasing the water from the front yard. That is why I asked the question. That is why I make the comment.

MR. BAKER: It takes time for water to recede. As debris was removed, it takes time for it to recede.

MR. BERNARD IACOVANGELO: Just so you know as part of this, Joe (Carr) also put in a new piece of pipe that he crossed Union Street with from the park, across Union Street at Bowen, almost near the intersection there. A larger piece himself.

JAMES MARTIN

MR. MARTIN: He also put in another new piece of pipe across Bowen Road to the west of the new culvert you were describing. There are two culverts across Bowen Road to Mill Creek. Once the plug was removed, the homeowner indicated he got immediate relief in the level. There was a ton of water, but there was immediate relief. It was flowing quite freely.

MR. RETTIG: I appreciate the comments, because without knowledge of further volume flow in Bowen Road, you don't know it is going to take care of it. That is why I asked the question.

Another incentive work you're doing, I believe, is the trees, streetlights and sidewalks. Is that incentive work done for the project? Or what is the incentive work being done for this project?

MR. BERNIE IACOVANGELO: That was part of the initial design. We wanted to do a neo-traditional neighborhood. We indicated that under incentive zoning there would be something that would benefit the Town, so we used a \$500 additional per lot. We pay for the rec fee plus an additional \$500 per lot that would go to the Town to help with the development of Union Street Park. Because the Town had a \$600,000 cost estimate to develop the Union Station Park and that they had only received 200,000 to \$300,000 in grants, so we were using those fees to assist in the further development of that Union Station Park.

MR. RETTIG: I appreciate the explanation. So the size of the pond and the additional piping below Bowen, below Wadsworth and the flow rates out of the pond when your pond is completed and in operation you're saying is expected to take care of the major part of flooding that is now a problem, correct?

MR. BAKER: Correct.

Dennis Schulmerich made a motion to close the Public Hearing portion of this application, and Karen Cox seconded the motion. The Board was unanimously in favor of the motion.

The public hearing portion of this application was closed at this time.

The Board discussed the proposed conditions.

John Nowicki 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.

DECISION: Approved by a vote of 4 yes with 2 abstentions (James Martin, Dario Marchioni) with the following condition:

1. Contingent on Town Engineer's approval.

The meeting ended at 9:43 p.m.