

CHILI PLANNING BOARD  
March 11, 2014

A meeting of the Chili Planning Board was held on March 11, 2014 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:** Paul Bloser, Karen Cox, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

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

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.

**OLD BUSINESS:**

1. Application of JFJ Holdings LLC, 280 Merrimack Street, Methuen, MA 01844 for preliminary site plan approval to convert existing building (bank) to a restaurant and retail store at property located at 3249 Union Street in GB zone.

JAMES MARTIN: Under the item which was listed as Old Business, um, application of JFJ Holdings LLC, for the preliminary site plan approval to convert an existing building bank to a restaurant retail store, that will not be heard tonight.

**PUBLIC HEARINGS:**

1. Application of Archer Road Vista, LLC, owner; 783 Wangum Road, Fishers, New York 14453 for reapproval of preliminary subdivision approval of 180 lots to be known as Vista Villas Sections 2-6 at properties located at 100, 103 and 104 Clubhouse Drive and 5 Prestwick Lane in PRD zone.

Walt Baker was present to represent the application.

MR. BAKER: Good evening. I'm Walt Baker with DSB Engineers & Architects. I'm here on behalf of Archer Road Vistas, LLC. With me tonight is Gary Pooler, Managing Partner for Archer Road Vistas, LLC. If you have any questions for him, I'm sure he would be happy to answer them.

As we stated in our letter of intent, we're requesting revision modification to the preliminary overall subdivision approval for Phases 2 through 6, totaling 180 lots and final for Phase 2, 50 lots of that 180. The map I posted on the board is the overall plan which illustrates all of the sections in the proposed project. As stated, Phase 2 is being requested for final approval. However, during the developer's review of the site, we have a request of the Planning Board. We would like to know what the Board's position would be on changing the approval from Phase 2 to Phase 3 of the project.

The area in question as stated, Phase 2 is this section right here, the 50 lots. We would like to change the -- the approval to Phase 3, which is along the northern end of the project, which is a -- this area through here (indicating).

JAMES MARTIN: What is your preference, Mr. Baker? From a development standpoint.

MR. BAKER: Developer's standpoint, the sanitary sewer is immediately adjacent to the Pure Waters. Sewer connection is right there.

JAMES MARTIN: So you would opt to go for Phase 2 before Phase 3; is that your issue?

MR. BAKER: Opt to go for Phase 3, versus Phase 2 first.

PAUL WANZENRIED: Is --

JAMES MARTIN: Okay. Keep going.

MR. BAKER: As the Board will recall, Phase 1 of the project consists of 41 lots which is in the northwest corner of the site, as shown on the map, which we received revised final approval at the December 2013 meeting. At that meeting we also reviewed the proposed changes to the overall plan and the revisions to the PRD approval. As the Board recalls this project was approved as a PRD, Planned Residential Development. We did dissolve the HOA, the Homeowners Association, the HOA and proposed changes to the roof conductors whereby we wouldn't have the roof conductors connected to the storm system through laterals for each lot. They would be connected -- or discharged to a splash block and stay on the lot itself.

In today's designs with New York State DEC, and everybody is familiar with the Storm Water Pollution Prevention Plan, I tried to slow down or decrease the amount of runoff to ponds and downstream structures and the creeks. So what we propose is to do the roof conductors.

Also, we are proposing to add a \$500 fee to the Town in lieu of parklands for the site. So we propose that.

And the lot sizes as we stated at the July meeting and also the December meeting, we have modified the lots which is on the plan, which starts with the -- a minimum lot size of 8500 square feet and it would go up from there.

As the Board recalls in Phase 1, which was already approved, we had the HOA, the -- the HOA land, which is under the Homeowners' Association, which also entailed the area for the golf holes for the golf course. When we dissolved the HOA and the golf course, that land that was adjacent to those existing lots, is already filed with Monroe County, would receive by deed that portion of land that was adjacent to their lot. So that is already in place and the map is in the process of being signed by the County for Phase 1.

The Board also commented on the first sketch plan that we reviewed last July, namely the major concern was the southern road along the project. If you recall, that's this area right through here (indicating). This road. In the beginning, when we first proposed it, it actually connected through and the Board asked if we could -- the Board asked if we could take a look at that and redesign that so it wouldn't have such a long road and recreate that T intersection to help alleviate and provide that calming effect which was stated in the comment.

Based on those meetings we had prepared these plans for review and approval tonight. The revised overall preliminary and the phasing of Phase 2 which now we would like to -- the Board to consider Phase 3 prior to Phase 2.

JAMES MARTIN: Okay. Um, a couple comments on -- I'm still a little confused because your application was for, you know -- starting with Phase 2, but you are proposing you want to go to Phase 3; is that my understanding?

MR. BAKER: Correct.

JAMES MARTIN: David (Lindsay), is that your understanding, also?

DAVID LINDSAY: I think that is what he is asking, but our recommendation with the Board would be to stick with the application that was originally presented and proceed with Phase 2 as they originally proposed.

JAMES MARTIN: So the Town's preference would be to go to Phase 2 next as opposed to Phase 3. Is that my understanding?

DAVID LINDSAY: Correct.

JAMES MARTIN: Okay. Thank you.

Based on the letter we received from the Town Engineer, which was -- I know it was quite extensive and I know you have responded to a lot of the issues that were raised in here, but it brings me back to previous applications that have come before us where the -- the Commissioner of Public Works and the Town Engineer hasn't really had a full package of information in order to correctly, I guess, advise this Board as to where we should go with the application from the standpoint of its completeness, and any issues that they may see from a technical standpoint that this Board should be aware of before we actually go ahead and approve something. And at this point, um, I know you -- I know you said the response you submitted came in today.

MR. BAKER: Yes.

JAMES MARTIN: I have it.

MR. BAKER: I brought hard copies.

JAMES MARTIN: Haven't had a chance to review it in detail.

MR. BAKER: Understood.

JAMES MARTIN: I don't think the Town Engineer and Commissioner of Public Works had a chance to review it in detail. It puts us at difficult position to move ahead on this application not having what I consider to be a full advisory comments from the Town Engineer and from the Commissioner of Public Works. So that being said, um -- I will wait for the train to go by.

There was a pause in the meeting for a passing train whistle.

JAMES MARTIN: That being said, I'm having difficulty myself thinking we should move ahead tonight until they really had a chance to fully evaluate what your response was to the Town Engineer comments so they can come back to this Board and say we're okay with it or this has to be -- ought to be changed, and that is where I'm at right now, that I really feel to move ahead with a full Public Hearing on this tonight may not be the advisable thing to do.

My recommendation to the Board would be that we would table this allowing them to make that review process go forward, and then come back in April with a full complement of -- of all of the information that we need in order to fully vote on this thing. That is where I'm at right now.

And I'll go to the Board for any other comments right now, but that's -- but that's my feeling, that we probably should table this tonight until the Town Engineer and the Commissioner of Public Works had a chance to really evaluate this.

PAUL WANZENRIED: I agree.

KAREN COX: I would agree with that.

DAVID CROSS: I move to table.

JAMES MARTIN: So I'm going to make a motion -- I will not open the Public Hearing. We'll do that next -- next time through, okay?

I will make a motion right now that we table this application pending a review by the Town Engineer and Commissioner of Public Works on the technical aspects of this application.

PAUL WANZENRIED: I second.

JAMES MARTIN: It has been seconded. On tabling the application?

DECISION: Unanimously tabled by a vote of 5 yes to table the above described application due to the fact that several key pieces of technical data were not submitted in time to allow the Town Engineer and Commissioner of Public Works to properly advise the Board as to the adequacy of the plan.

This application will now be heard at the April 8th Planning Board meeting. The Board indicated to the applicant that the next phase of construction shall be the proposed Phase 2 of the submitted plan for overall development.

JAMES MARTIN: Tabled to April. I will put that down as the next date.

MR. BAKER: As far as the phasing?

JAMES MARTIN: As far as the phasing goes, I'm going to go along with the Commissioner of Public Works. I mean, basically you feel very strongly that we should move into Phase 2 before we move into Phase 3; is that correct?

DAVID LINDSAY: Yes, that's correct.

JAMES MARTIN: So I think it's -- you know, the Board's preference right now would be we would do Phase 2 ahead of Phase 3 as --

MR. BAKER: In sequence.

I did bring hard copies of our responses. I don't know if you got it electronically.

JAMES MARTIN: They were in our mailbox?

MR. BAKER: They were? Really?

KAREN COX: When?

DAVID LINDSAY: Late today.

MR. BAKER: I brought copies just in case. I wasn't sure. I received the comments initially from the Town Engineer last Thursday, so I didn't have a chance to respond until today, so I brought hard copies just in case.

MICHAEL JONES: Mr. Chairman, just for notice requirements, the Public Hearing is being adjourned to the April meeting, which is April 8th at 7 o'clock.

JAMES MARTIN: I'm sorry, would be adjourned to 7 o'clock in --

MICHAEL JONES: April 8th, our April meeting. Is that right? I just wanted to make sure we mention the date and time of the next adjourned meeting.

MR. BAKER: Again, I did happen to notice in the legal notice it only listed preliminary. Was that advertised properly, or is this different than the advertisement that ended up in the paper, because we -- our application, fees that we submitted for were for preliminary overall.

DAVID LINDSAY: It was advertised correctly. What you typically do is make the application with preliminary with waiver of final and you pay the fee and if you receive that, the Board can make the decision to waive final.

MR. BAKER: I just wanted to make sure the advertisement was corrected so we could hopefully move forward with preliminary and final for the first phase.

DAVID LINDSAY: I believe it is.

JAMES MARTIN: Actually, it will be published as a new application, and if an adjustment has to be made, we'll make adjustment. Well, thank you.

MR. BAKER: Very good.

JAMES MARTIN: At this point, I think that is the best option for us.

MR. BAKER: Okay. Good night. Thank you.

2. Application of The Turkish Society of Rochester, owner; 677 Beahan Road, Rochester, New York 14624 for recommendation to rezone approximately four acres from RA-10 (Rural Agricultural) to GB (General Business) at property located at 673 Beahan Road.

Scott Alexander and Mesut Vardar were present to represent the application.

MR. ALEXANDER: Hello. My name is Scott Alexander. I'm the architect on the project. My address is 36 St. Paul Street, Rochester.

Um, the brief is we would like to change the zoning of this property so we can develop it as shown with a sports complex. A large inflatable dome and two -- and then another building with a couple basketball courts in it.

JAMES MARTIN: My understanding of the large structure that is proposed to be built on the site would be a dome.

MR. ALEXANDER: Sure. I have a picture of it. It's not the best. It's an existing dome. It was previously installed out near Chicago. And then the two regular structures in front of the dome, between the dome and the mosque are the basketball courts and a cafe.

This is the part of the property that we're talking about rezoning. Basically it includes the whole property.

The sections are these little white lines in here (indicating). This would be the dome (indicating) located basically as far back as we can get it. It is an existing size. These would be the other structures, about 35 foot high, two courts. The intent being to create a courtyard in front of the mosque and create a bit of a barrier, view, whatever for the dome.

JAMES MARTIN: Okay.

MR. ALEXANDER: The -- the site is pretty well wooded. That is the reason behind all of the pictures. So the perimeter's fairly wooded.

JAMES MARTIN: Um --

MR. ALEXANDER: Parking lot is all existing. This is an existing building here, too.

JAMES MARTIN: I took a look at the site again. I know the dome itself is a fairly large structure. I think it is somewhere around 60,000 square feet if my calculations are correct, 300 by 200 or something like that.

MR. ALEXANDER: Right.

JAMES MARTIN: As far as the utilization of the facility, um --

MR. ALEXANDER: We plan to use the dome as a soccer field and have full size 11 on 11 soccer field. It just fits in there.

JAMES MARTIN: Would that be primarily for practicing utilization or would there be thought of scheduling tournaments, something of that nature in the facility? I guess that is an important question in my mind.

MR. VARDAR: Mesut Vardar, 610 Vanessa Drive, Webster, on behalf The Turkish Society of Rochester.

To answer the question, I would say 95 percent of the time it would be for practice use. We have gotten tremendous support from, you know, the general community and specifically Chili and specifically Chili Soccer in terms of usage, because you may or may not have heard, there -- there is definitely a need for indoor practicing of -- of soccer specifically, but it wouldn't be really just for soccer. It could be for lacrosse, high schoolers or whatever. But it would be 95 percent of the time for practices. It wouldn't be really for tournaments per se. There would be some exceptions, but 95 percent of the time it would be just for practices.

JAMES MARTIN: Concern that it raises in my mind for tournament parking, traffic, those types of issues, which you have fairly limited access on Beahan Road to the facility, and there is a lot of parking, but I would be concerned if you had a major type of tournament in the facility. I mean obviously, know, if it is only one field, you would be -- only be accompanying one game at a time.

MR. VARDAR: That is exactly it. That's a good point, too.

JAMES MARTIN: Again, it's a concern as far as practice utilization, you're talking Chili Soccer, high schools. I know we have professional leagues, you know, professional soccer in Town.

Is there any interest at a high level for having an indoor practice facility of this nature that you're aware of at this time?

MR. VARDAR: When you say high level --

JAMES MARTIN: Like the Rochester Lancers.

MR. VARDAR: No. Nothing like that. As far as parking goes, I believe there is an additional -- in addition to what we have, an additional 53 spaces that would be created with this project, as well. But the majority of the time, almost all of the time, if anyone has kids in -- that play, almost any sport, parents just drop them off. They drop them off. They're there with the coaches. They leave and then they come back. Majority of the time parents do not stay. I would say maybe 10 percent stick around usually.

JAMES MARTIN: Okay. So, you know, I know part of the property is already zoned GB.

MR. VARDAR: Correct.

JAMES MARTIN: Where the old party house used to be or whatever -- wherever it was.

MR. VARDAR: Yes.

JAMES MARTIN: The mosque is -- itself is still on an RA-10 parcel. You're leaving that alone?

MR. VARDAR: Yes.

JAMES MARTIN: You have a Special Use Permit for the mosque on that parcel?

MR. ALEXANDER: Correct.

JAMES MARTIN: You would be splitting off part of the RA-10 parcel to combine it with the existing General Business; is that my understanding?

MR. VARDAR: Instead of splitting it off, it made it sense just to do it together, to simplify it. Splitting off would certainly be an option but -- however, it seemed to make more sense to do it all-inclusive --

JAMES MARTIN: Okay.

MR. VARDAR: -- of the lot.

JAMES MARTIN: Would you outline the proposed new General Business as far as the lot line goes?

MR. VARDAR: (Indicating).

JAMES MARTIN: So the mosque -- all right. So the mosque would -- fall within --

MR. VARDAR: Correct.

JAMES MARTIN: -- the -- the new --

MR. VARDAR: The GB.

JAMES MARTIN: The GB.

PAUL BLOSER: Would that also include the house?

MR. VARDAR: I believe it would. Again, it -- it doesn't necessarily have to be that way. It's just when we had our discussions, informal discussions, it seemed to make sense to do it that way. Um, otherwise we're not one way or another. It just -- for simplicity sake and I think more for ease than anything else, it just made sense to do it just the parcel itself.

JAMES MARTIN: Yes. So you already have a specially permitted use of the mosque, and

under GB -- educational, charitable and religious institutions are a Special Use Permit.

PAUL WANZENRIED: Stop. Stop. That is not what this reads. You just pointed that you're putting the mosque in the GB, right?

MR. VARDAR: The mosque is already there. It just so happens the request right now is for the parcel, which the mosque sits on, as well.

JAMES MARTIN: Which is zoned RA-10, correct?

PAUL WANZENRIED: That's not what I'm -- Number 3 in the engineer's comments, and I will go by that for a minute, Jim (Martin). Subdividing 673 Beahan will result in the formation of a non-conforming lot within the RA-10 zoning district. RA requires minimum lot size 10 acres. The proposed new lot size for 673 Beahan Road would be 1.4 -- 1.5 acres. But according to you, you just mapped out that that mosque is going to be included in the dome parcel.

MR. VARDAR: Well, it is sitting on one parcel currently, so not split in any way. And again --

PAUL WANZENRIED: Then I'm confused as to what you're subdividing.

MR. VARDAR: There's no subdivision.

JAMES MARTIN: It's a request for a rezone of the current zoning on the property, Paul (Wanzenried). He tried to go and research why some of the stuff was zoned RA-10 and that happened I don't know how many decades ago.

There was some comment they were trying to restrict density for airport approach reasons and things like that. If you look at the lots that are there now and the residential structures that are built on them, there isn't any 10 acre lot in the area.

MR. VARDAR: Right.

JAMES MARTIN: It -- we tried to research why this occurred, you know, long before our time, okay? So we have a non-conforming issues over there on the residential properties that exist on Beahan Road.

PAUL WANZENRIED: The Party House is GB.

JAMES MARTIN: Party house was in the GB District.

PAUL WANZENRIED: Mosque is in RA-10.

JAMES MARTIN: When it was approved to be built; is that correct?

PAUL WANZENRIED: Now you want to move the mosque into the GB?

JAMES MARTIN: The question is to rezone that --

MR. VARDAR: The parcel.

JAMES MARTIN: The parcel he just outlined, and make all GB.

MR. ALEXANDER: There are two parcels here.

JAMES MARTIN: We're not subdividing. Just changing the zoning from RA-10 to GB to make it all contiguous GB to -- that is what the request is if I understand it.

MR. ALEXANDER: Correct.

MR. VARDAR: Correct.

PAUL WANZENRIED: Okay. I'm all set. Thanks.

DAVID LINDSAY: Mr. Chairman, if I could interject for a minute, I missed the first -- I stepped out in the hallway. But did the applicant explain at all why they need to just rezone a portion of that lot to RA -- to GB as opposed to the whole thing?

JAMES MARTIN: We haven't got to that point yet.

MR. VARDAR: I -- as a matter of fact, I don't believe it's a part of it. It is the entire lot. I don't -- I don't think we're -- because that -- again, we were debating going back and forth in terms of what made sense, but the entire parcel would be.

JAMES MARTIN: I think the problem initially was there was a proposal that the dome would be built on an RA-10 parcel and a GB parcel and it would cross a lot line.

MR. VARDAR: Correct.

JAMES MARTIN: That we couldn't do. Okay?

MR. VARDAR: Right.

JAMES MARTIN: RA-10 would not allow what you're proposing to build, all right, on an RA-10 zoned parcel of land. That's what I think I -- I recall when you came into DRC.

MR. VARDAR: That's correct. I'm not 100 percent sure if there was no other way in terms of a Special Use Permit or anything like that, but it was more for the use, the ease of use and simplicity, it just made sense to request it.

JAMES MARTIN: The simple thing to do would be to try to get it all GB.

MR. VARDAR: Just as an adjacent parcel.

JAMES MARTIN: That was the simple thing to do.

KAREN COX: Why does the engineer's letter, I guess -- I'm looking at what Paul (Wanzenried) was reading -- it talks about resubbing, and then it says the resub is not a part of their application.

So what was the intent of those comments, I guess?

MICHAEL HANSCOM: Um, I was looking at the concept plan. If you look at the property lines, you can see there is a -- appears to be like a former property line going through the proposed zone and new property line separating the sports dome from the mosque. Okay. So I called up Schultz Associates, the applicant engineer to ask what's -- you know, are they planning on subdividing or what are they planning to do. He said according to his understanding at the time, at some point in time they planned on subdividing this -- this lot and he wasn't clear on whether they were only going to ask for a rezone for a portion of it or for the entire thing. So that was the basis of my comments, saying that it appeared they might be subdividing it and it wasn't clear from the application whether it was the entire thing or just a portion of the lot.

MR. VARDAR: Got you. And there -- as I understand it, there really would be no need for subdividing. It would be contiguous as the adjacent parcel is GB, and again, to do the entire parcel itself rather than a portion of it, um, just made more -- more sense. So there was no subdividing, just a request for recommendation for rezoning.

JAMES MARTIN: Okay. Everybody clear with that now? You have a comment?

DAVID LINDSAY: Just a clarification. So it was the intent now to -- to get it -- seek a recommendation to rezone the entire lot that is currently RA-10 to GB?

MR. VARDAR: Yes.

JAMES MARTIN: Okay.

DAVID LINDSAY: Including the portion of that lot that the mosque is on?

MR. VARDAR: Yes.

DAVID LINDSAY: Okay. Yes. I'm clear.

JAMES MARTIN: Are we all -- is the Board okay with what they're trying to do? All right.

KAREN COX: Clear as mud.

PAUL WANZENRIED: I'm trying to follow it.

JAMES MARTIN: I know we're here to talk about rezoning and then obviously this Board is only a recommending Board to the Town Board. Town Board is the one that has the authority to do any rezoning. So I'm trying to anticipate questions that might occur if this does go forward from the Town Board perspective. You know, clearly from a site plan issue, and I don't want to get into a lot of site plan issues, but I think there would be some concern about a previous question I asked, all right, if -- if you were to hold tournaments there of some nature, what impact would that have on the local residents that live in the Fisher Road, Beahan Road, that -- that whole area over there. Um, as far as the height of the building goes, I -- do you have a --

MR. VARDAR: No higher than the mosque.

JAMES MARTIN: No higher than the mosque.

MR. VARDAR: Correct. (Indiscernible) 40 feet, shorter because there is a decline.

And just one minor clarification with respect to the tournaments if, in fact, there were tournaments, which they would be minimal, the actual attendees for tournaments would be significantly lower than practices because it would be -- only be used for the two teams and really no one else.

JAMES MARTIN: Yeah. Two teams that are there playing and maybe two teams coming in for the next, you know, game or something like that.

MR. VARDAR: Potentially.

JAMES MARTIN: You could have a transition going. All right. Just to clarify that point.

MR. VARDAR: Sure. Sure.

JAMES MARTIN: So as far as the height goes, it is not as tall as the minarets on the mosque.

MR. VARDAR: Just a touch shorter mainly because of the -- the topography.

JAMES MARTIN: Okay. All right. So you already had approval from the airport from the mosque for the minarets, but that would still have to be reviewed --

MR. VARDAR: Right.

JAMES MARTIN: -- if it were to go forward by the airport.

As far as lighting goes, um, and I'm assuming that this being a dome, that it is air elevated and that there is positive pressure inside the dome at all times in order to keep it inflated --

MR. VARDAR: Correct.

JAMES MARTIN: -- is that correct?

MR. VARDAR: Yes, I believe so. Yes.

JAMES MARTIN: As far as lighting goes, um, you know, obviously there would be interior lights.

Would there be a lot of exterior lights or minimum amount of exterior lights?

MR. VARDAR: Minimum, if at all. Only the parking lot lights, which there are currently -- there may be a couple additional ones because we would have the drive -- the drive around the dome. I would presume there would be minimal lights there, but other than that, no.

JAMES MARTIN: Okay. All right. I don't want get into a lot of site plan issues at this point. Just, you know -- I'm just anticipating a number of things that the Town Board might ask from that standpoint.

I guess that's all I've got.

PAUL WANZENRIED: Does the -- well, you can start on that end if you want.

JAMES MARTIN: Go ahead. You're on.

PAUL WANZENRIED: Does the dome -- does that sit on just the pad that is -- how is that connected? Does it sit on block wall?

MR. ALEXANDER: Sits on a concrete pad around the perimeter, so it is anchored into the ground.

PAUL WANZENRIED: If I understand this correctly, there is one main entrance in that falls between what looks like bathrooms and then the dome?

MR. ALEXANDER: Sure.

PAUL WANZENRIED: That's your main entrance in?

MR. ALEXANDER: That's the air lock entrance. There are a few exits. The air lock entrance might be modified from that location because I have since found out, since we're going to be building a wall next to this end of the dome, we can modify the dome and anchor it to that top of the wall which allows us to locate the air lock anywhere we --

PAUL WANZENRIED: Does that change the dome?

MR. ALEXANDER: No. Doesn't change the dome, just changes that end of it.

PAUL WANZENRIED: You is said that the courts are going to be 35 feet high; is that correct? Is that what I heard?

MR. ALEXANDER: That is the maximum height. The basketball court has minimum height required around 27, 28 feet, and we would have a girder on top of that. So they would be under the 35 feet probably, or around that.

PAUL WANZENRIED: Are these open to -- would these be open to the public use or just primarily for members of The Turkish Society?

MR. VARDAR: No. Absolutely open to the public. 100 percent.

PAUL WANZENRIED: What is the purpose of the old party house?

MR. VARDAR: That's the Community Center. That's just like any other Community Center where events are held, whether they be, you know, for --

PAUL WANZENRIED: That's all right. And just for -- to recollect my memory, the use of the house at 675?

MR. VARDAR: For -- more for educational purposes, for Sunday school. Which we're waiting also for the use for the mosque being completed, so it will be done together. So that wouldn't change either.

PAUL WANZENRIED: And the house in front of the mosque?

MR. VARDAR: That's -- that's the one I mean.

PAUL WANZENRIED: I'm talking the smaller parcel there.

MR. VARDAR: That's the house for the clergy and his -- his family. Clergyman or priest. By the way, I don't know if it will make a difference or not, but one of the buildings more than likely will have a beach volleyball instead of basketball.

KAREN COX: For B, you mean?

MR. VARDAR: Yes. I think so.

PAUL WANZENRIED: Other than -- those are the non-site plan questions I have.

KAREN COX: So -- just so I understand, the surrounding zoning with the exception of that one -- I guess I would call it kind of orphaned parcel is the GB zoning; is that correct?

JAMES MARTIN: As it stands now.

KAREN COX: And the RA-10 you explained some historical issue that we can't figure out.

JAMES MARTIN: Right.

KAREN COX: So, you know, you actually answered one of my questions about Court B.

Have you thought about with Court A making that usable for volleyball, hard court volleyball?

MR. VARDAR: Absolutely. It can be both. I -- but I think one of them would be more with sand; whereas, the other one would be hardwood and could be configured both ways.

KAREN COX: That kind of space these days is really at a premium. That much I do know. I guess I'm going to wait until site plan to see what --

JAMES MARTIN: Well, if we get to there.

KAREN COX: Well, no, I mean -- yes, exactly. But I don't have any other questions.

DAVID CROSS: I just -- just kind of move back a little bit. I went right to the Town's Comprehensive Master Plan and I don't see how General Business conforms to Sub Area 7 which calls for Limited Industrial all of the way up this corridor. So it's completely out of whack with what I see from what the Town wants and that's in the next 20 years. Not -- you know, not talking about the dome at all, but I believe if it was industrial, they would be able to do a sports complex maybe under a Special Use Permit. So that may be another avenue to -- to look at.

Um, and I know we're not talking about site plan, but there is a lot of comments from Lu Engineers, the side table, I think, that would need to be addressed before we -- we could make a recommendation -- before I would feel making a recommendation to rezone anything.

MR. VARDAR: Such as?

DAVID CROSS: Well, I tell you what, I will let the side table, a representative of Lu Engineers to go -- do you have a copy of the letter from Lu Engineers?

MR. VARDAR: No. We didn't receive anything. I didn't see it unfortunately.

DAVID CROSS: Wetlands is one big thing.

Mike (Hanscom), do you want to chime in on that?

MICHAEL HANSCOM: There are a couple things that we're very concerned about that may limit your ability to actually do this project. One, there are federal wetlands that run along Black Creek in that area. The boundary line is not shown there. When we looked them up online, the national wetland mapping, it appeared that part of what you're proposing, part of the parking and the storm water detention facility could be inside of those boundaries. Those boundaries would need to be delineated and mapped as part of your site plan work.

Um, because you can't -- you can't build those things within -- within the wetland area.

Also, just because of the fairly extensive change in grade from front to back of the property, um, somewhat concerned about you actually being able to build that without intruding upon the existing sanitary sewer easement that is there. I'm not sure who the owner of that is, but I'm sure they wouldn't want 10 feet of fill on top of their sewer. And also part of your parking would be very difficult to -- to access.

MR. ALEXANDER: I think you're talking about this area?

MICHAEL HANSCOM: That's correct.

I did email -- I did send a copy to the email address you had on the application. But you're

welcome to have this copy.

MR. VARDAR: Yes. With respect to the points that were made, now again, this is obviously preliminary as far as site. Those could definitely be structured any which way. As far as I don't even think an additional 53 parking spaces are required, which is where a good majority of the sewer portion you're referring to sits on.

Um, as far as any other of the wetland portions, I think Schultz Engineers, I think, looked at that, as well, if I'm not mistaken, and if the -- the structure itself definitely would still fit and work and not be hindering the -- the sewer, um, portion, the sewer easement and the additional parking, again, those could be worked -- if -- if he -- they deem they would rather not have it that way, even if it is a parking lot, then I don't know if that would be necessary anyway.

MICHAEL HANSCOM: Um --

MR. ALEXANDER: There is already an existing parking lot over -- this is all existing (indicating).

MICHAEL HANSCOM: Yes, sir. I understand that. But the area where you're proposing to put the storm water detention facility is -- is an area that appears could be within the wetland boundaries and you can't build it within the wetland boundaries.

MR. ALEXANDER: Sure. Sure.

MICHAEL HANSCOM: You have to have it outside of that.

MR. ALEXANDER: When I spoke to Schultz Associates about this, he said this might be a flexible area in terms of when we get that design and everything and we might need to expand, but he didn't mention that encroaching on the wetlands. We need to locate the boundary of the wetlands.

MICHAEL HANSCOM: You have to locate the boundary and the Army Corps of Engineers has to agree with you that that is the proper location of the boundary.

MICHAEL JONES: So if I could just offer a couple comments. This is an application for a recommendation for a rezone, so I would advise the Board to get more back into the conversation of what the general zoning ought to be in that area and some of the possible uses down the road in the future that could happen maybe if what they're asking for, the GB -- and any conversation as Mr. Cross suggested, Light Industrial, Limited Industrial might be a better option to allow the applicant to do what they want. The problem is they want to put in this dome and it is not permitted under the existing zoning, so they're there to change the zone to accomplish that result. So rather than getting caught up with the site details -- I think that is premature -- I think you should have conversation about the proper zoning.

KAREN COX: If it fits -- if it is one of the permitted uses in the Limited Industrial, why was --

DAVID CROSS: It's not.

JAMES MARTIN: It's not. It would be a Special Use Permit.

KAREN COX: Special Use Permit use. Okay. So it is allowed within General Business without --

JAMES MARTIN: It is permitted under GB.

KAREN COX: Okay. Right. All right. I got confused.

JAMES MARTIN: And I -- you know, and in reference to what you said, I know if you go further down Beahan Road, certainly there is some LI type of activities getting closer to the -- you know, to the airport area.

Um, but we're already dealing with GB being stuck in the middle of this. Again, does it make sense to have a contiguous GB in that area as opposed to trying to do some spot zoning type of effect with an LI parcel popped into the middle of this whole thing? You know, I don't just -- I don't know if that would really, you know, be conducive to what we need to do here or what they're asking us to do.

Any other comments from the side table on that, I guess?

MICHAEL JONES: Not specifically, but again, they're here with an application for rezoning, so all options should be on the table. Why not consider changing everything to the Limited Industrial, if that fits. But this Board is not limited, I would recommend, to do what they want to do. They have a rezoning request. You can make a recommendation what you think as a Board makes the most sense.

PAUL BLOSER: My questions really were all around what Lu put in their report and that's the size of the dome, a lot of water displacement and how that is going to affect surrounding properties. I'm looking at that probably one issue more than anything else. It is low in that area and they have wetlands bordering up to it. I guess that is my biggest concern, the engineering issues addressed before I could make any decision on any direction about changing any kind of zoning. It's going to have an impact and I -- you know, in fairness to the neighbors, um, what drainage is going to be. So I really am looking for answers on that.

MR. VARDAR: Which again, I apologize for my ignorance, but does that now sound like something that would be step two?

PAUL BLOSER: Probably so, yes. But it's something that I think I would want to see before I would give any approval on -- why go through the expense and the paperwork and the legalities of zoning and doing all of the paperwork and site maps over -- before we know if it's even going to fit there, because of drainage issues. That is my number one thing in Chili, is drainage. We have a lot of water in Chili, so anything we put in there, it really evolves around water.

MR. VARDAR: Right now there sits a huge mound of earth that was displaced because of the excavation for the mosque itself.

PAUL BLOSER: Sure.

MR. VARDAR: It has been there for quite a few months now, which all of that would be removed. And during the time that that has been sitting there, there has been nothing different and yet we have had zero issues. So I can't see how -- and we definitely had a very wet season with -- unfortunately with what we have seen and what we're going to see tomorrow, so I totally understand what you're saying, but having the huge mound of earth sit there for months now, I think, gives us a pretty good indication what is to follow and not even having the -- the drainage and the holding pond, shall we say, where -- where this is proposed and that will take care of any runoff. Um, so even without that, we haven't had any issues at all on our property or the neighboring properties.

And again, there is a huge -- I don't know if you have actually seen it. Maybe in that you're kind of able to see in that picture there. So even if with that, we have had zero issues where that wouldn't be there and the retaining ponds would be.

PAUL BLOSER: I guess from my standpoint, I'm one voice, but I guess I want to say first of all with the winter we have had, I'm all in favor of a project like this so the kids have a place to practice out of the weather. I don't have a problem with that side of it right now, but before I could even say yes to that, I'm not an engineer and I would want to see how it affects from a State standpoint and a wetlands standpoint where all of the run-offs are. That is something I think we owe the people of the Town.

MR. ALEXANDER: That's the whole purpose of the retention pond basically. This can be a flexible size. This is preliminary design right now.

PAUL BLOSER: I understand that. I'm just agreeing with what they're saying. I have a concern with drainage and I'm not in a position to say this is adequate. He is juxtaposing a question here that he would want to see evidence of his questions. I would just rather see some answers before I can say an honest "yes" or "no."

JAMES MARTIN: Can I -- can I bring us back to ground here for a second? Recently we dealt with a rezoning request for the parcel of the property across the street and there was a big unknown because, you know, just rezoning it would have allowed anything under the code to be built on the property. Okay?

Tonight we're dealing with a very specific issue. I mean, they have a plan of what they want to build on the property, but I think we also have to -- remember that if -- if something does get rezoned, all right, it does open it up to whatever is under that code could be built there. Although they have said they would build this sports facility. We may be getting too wrapped around site plan issues at this point as opposed to is this an appropriate thing to do for the Town perspective to make a recommendation for the rezoning to allow them to move onto the next phase which may be the building of this dome or it may be something else or it may be nothing from that perspective.

So I think, you know -- we're trying to do too much site plan and engineering issues at this point. And I understand what you're saying, okay, clearly those things need to be understood and addressed and so if it doesn't work, it doesn't work. But is this an appropriate use, all right, of the property that is currently rezoned RA-10 to move it to GB to allow this project or some other project to move forward on this site? I think that's kind of where I'm at in my mind right now. Okay?

Any other, you know -- are there other questions or issues from the Board? I will go back to the side table.

DAVID LINDSAY: Sorry. Mr. Chairman.

JAMES MARTIN: Anything else from the side table before we open it up to the public comment?

MICHAEL JONES: Um, well I guess just to -- two general comments, Mr. Chairman. Number one, just to reiterate my comments, the Board can make a recommendation one way or the other, but I don't think it should be limited to just the one parcel here. The whole site has a particular use, so if the Board thought different zoning as opposed to GB was more appropriate for the whole thing, you're free to make that recommendation. So I just wanted to advise the Board to think beyond the parcels because the map is quite frankly confusing with lines that don't actually have any meaning at this point.

And secondly, just procedurally this is a recommendation. I don't know a Public Hearing is required, but certainly I don't by any stretch want to advise the Board not to take public comment. So you're free to do that if you wish as a Board. That's all I have.

KAREN COX: I think our precedent has been to take public comment.

MICHAEL JONES: The more the better. I'm just saying I don't think is a legal requirement for a recommendation, but by all means, I don't think it is a bad idea.

KAREN COX: So if you rezoned the entire parcel to one particular zoning, when we have been talking about LI and General Business, is there -- you know, I have just been kind of re-reading both of those. It appears as -- to -- with my interpretation, I guess, one or the other of those zonings would require some kind of Special Use Permit either for the sports dome or for the church. I -- like I say, I could be wrong. There -- I mean, I guess the question is, is there a zoning that allows the use, the mixed use they're showing without some kind of Special Use Permit required?

MR. VARDAR: I guess GB did that.

JAMES MARTIN: Well, LI would -- if there is no provision either -- Special Use Permit use for a mosque in Limited Industrial, for instance. Okay? So to be --

KAREN COX: Not at all?

JAMES MARTIN: No. Permitted or Special Use Permit use.

So to me, that is not a direction to go for the property per se. I mean I think it ties us up in knots -- ties them up in knots. GB seems to be -- from an overall perspective, you know, it -- it is -- solves the issue of, you know, the -- the facility itself that they're proposing to build, and I believe that under Special Use Permits, religious institutions are permitted under GB. So it would allow that whole parcel that they're proposing to rezone, all right, to be acceptable from the zoning code as it's currently written.

KAREN COX: Would we still have like the parcel that 675 is on under a different zoning?

JAMES MARTIN: Where? Where the current small house is and all that?

MR. VARDAR: I think so.

JAMES MARTIN: I believe that would be under the current zoning.

MR. VARDAR: That would be as is, I guess.

JAMES MARTIN: And you talk about the whole parcel. There -- there is a fair amount of land that is not shown on this that is part of your holdings over there, all right, to the south of -- south of the property we have under discussion right now. Okay?

PAUL WANZENRIED: Do they own all that -- that is one of my questions, do they own all of the property to the south?

MR. VARDAR: Yes.

PAUL WANZENRIED: All of the way to Blair Supplies, which is the tracks. Let's say the tracks.

MR. VARDAR: Um, again, I'm not 100 percent sure, but it's an additional seven acres there.

MR. ALEXANDER: That was one comment Schultz made to me, that if we did need a larger holding pond, we have the opportunity to have more space there.

KAREN COX: Why are we leaving that one parcel RA-10 then? That's just kind of sitting in a --

JAMES MARTIN: That is their prerogative. You do not wish to rezone that; is that my understanding?

MR. VARDAR: It --

MR. ALEXANDER: Seems logical to do the whole site for me.

PAUL BLOSER: Do one instead of chopping it up.

JAMES MARTIN: Remember, GB will open that seven acres up to lots of things here, folks.

DAVID CROSS: That's the most intensive use there is in the Town.

JAMES MARTIN: You have to think about that.

MR. VARDAR: So we didn't want to confuse matters or make it any more -- you know.

JAMES MARTIN: So --

KAREN COX: True.

JAMES MARTIN: So I mean, this is kind of a consolidated parcel as opposed to opening up that whole thing to GB. I mean, I would have problems with that.

KAREN COX: No. I'm just talking about this (indicating).

MR. ALEXANDER: There is one little piece of property.

JAMES MARTIN: One.

KAREN COX: One little piece. The little rectangle, unless you would want to leave it as that so it wouldn't be open for -- at this point for the uses that are allowed under GB.

JAMES MARTIN: Yeah. I think that makes sense.

KAREN COX: Because -- yeah.

JAMES MARTIN: You don't -- you have no intention of doing anything other than what you're currently doing with that?

MR. VARDAR: Absolutely correct.

KAREN COX: All right.

DAVID LINDSAY: To clarify, that little parcel the house is on is also GB.

JAMES MARTIN: Oh, it is?

DAVID LINDSAY: Yes. So you have the old party house sits on a GB lot. That small house sits on a GB lot. Currently the mosque sits on an RA-10.

JAMES MARTIN: I lost sight of the fact that that was GB for that small parcel. So that would make everything contiguous. Okay. All right.

KAREN COX: All right.

JAMES MARTIN: Any other questions or concerns right now?

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS 31 Stuart

MS. BORGUS: I was here when the Turkish Society came in and proposed the mosque, and as I remember, they were given some Special Use Permit considerations. They do have a Special Use Permit, and I -- if memory serves me correctly, they also were given some variances. And I think the Town bent over backward, at least in my opinion they did, to make it possible for them to locate there. What I'm having a problem with now is how we went from a church to a sports complex. I -- to me a church is a church and a sports complex is another animal. And if every church thinks they're going to turn into a sports complex, I don't know what will become of this Town. Can't have sports facilities in -- of this magnitude in -- in churches, I think, and have it make any sense.

Um, I am concerned about the fact that they -- the applicant is pointing out that this is a wooded site. Well, it doesn't look very wooded to me, and it looks to me like on the south -- I guess that is the south edge there, um, that dome would be very, very close to residential lots. I think the dome is ugly. I don't care whether it's on Beahan Road or whether it's on Ridge Road. They're ugly. There is nothing that describes that thing but ugly. And if you want to see what can happen, look at the one over on Ridge Road that suddenly deflated. And that is uglier yet and it laid there for I don't know how long before they did anything with it. There is nothing you can do with it to make it look better. You can't dress it up. You can't put lipstick on a pig and that's what that is. It's terrible. It's terrible looking.

On top of that, I'm also a little concerned about the height. The applicant here said that it was shorter than the minarets on the mosque, and then he said due to -- to topography. Well, topography doesn't have anything to do with the height of the building. If he is talking about the airport height limits, that's one thing. But the -- but the dome may be, just may be higher than you think just because of the -- of the topography and it ends up being lower than the minarets doesn't mean that the dome isn't over our height limits. You follow me?

JAMES MARTIN: Topography has got nothing to do with our height limit.

MS. BORGUS: I agree with Mr. Cross 100 percent. There is more than one of us here in this room tonight that worked 2 1/2 years on a Comprehensive Plan and this does not fit. Does not fit. Can't emphasize that enough. Um, if there -- it's a very wet site. If there is federal wetlands there, those ought to be dealt with and demarcated long before anybody comes in and asks this Board to recommend to the Town Board that we change the zoning.

There is too many unknowns here. There are so many -- there is a lot of lines that should be on that drawing that aren't there. If there is a sanitary sewer easement there, that is another problem that has been brought out. I think you all understand that. That is another problem. To change that zoning on -- on Beahan Road at this point in time for not -- not a church, which we have worked very, very -- I think very, very well with the Turkish Society to get this far, but a sports complex is another thing. This is another animal. And it just doesn't fit. I think it is spot zoning at its worst. Thank you.

JAMES MARTIN: Thank you. Other comments?

Motion to closes Public Hearing?

MR. VARDAR: May I?

KAREN COX: Second.

MR. VARDAR: May I just clarify?

JAMES MARTIN: Wait a minute. I just want to close the Public Hearing.

James Martin made a motion to close the Public Hearing portion of this application, and Karen Cox seconded the motion. The Board unanimously approved the motion.

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

MR. VARDAR: Just to clarify the few points that were brought up. In terms of a church having a sports facility or otherwise, there are plenty of examples of churches that have sports facilities in the County and around the nation.

In terms of ugly, um, obviously we -- we can debate that topic ugly or otherwise. To some it may or some it may not. As far as the height goes, it is, I believe, a foot, if that, with the -- with respect to the minarets. As far as the topography again, it's -- as -- I apologize. I couldn't get the name. As she correctly pointed out, it really is for the FAA, for the airport, their restriction. It would be below their restriction. So as far as the height goes, yes, topography has something to with it, but it's practically identical to the height of the minarets. Again, that would be up to approvals, as well. If it doesn't get approved, you know, that is something else.

And as far as do we need it or not need it, it is something that is drastically needed in the community, especially in Chili. I have spoken to many, many parents even to -- to Chili Soccer themselves. Their representatives. And they go all over the place, Brighton and East Rochester and so on and so forth to find times for their kids. So for the community, yes, we absolutely do need it.

And -- and everything else as far as the details go, of course, those would be worked out to whatever it makes sense. And for the -- for the neighbors, we -- we always try to work closely with our neighbors any ways. So whatever makes sense and creates win-wins overall, we're definitely for it.

JAMES MARTIN: Thank you.

Basically what we have before us is a request for recommendation. The recommendation would go to the Town Board which would then hold a whole new set of Public Hearings reviewed by the Town Board as to whether or not they would agree with our recommendation. I will also point out that if this Board were to decide to not recommend to the Town Board, the applicant would still have a right to petition the Town Board with a formal application to review the request for rezoning. I mean that is always an option that the applicant would have, to take the process forward.

So at this point, no more discussion or issues, essentially, um, I would say that a "yes" would be a positive recommendation from the Board and a "no" would be a negative recommendation from the Board. So on the application for the recommendation?

DECISION: Upon completion of review by the Board and conclusion of the hearing, the Board

voted 4 yes to 1 no (James Martin) to not recommend consideration to rezone the property from RA-10 to General Business.

The Town Board will be notified of the Planning Board's decision by copy of the decision letter.

JAMES MARTIN: As I indicated to you, you have the right to petition the Town Board to -- to consider it still at this point.  
Thank you.

Application Number 3 was addressed at this point.

JAMES MARTIN: I need to amend the application at this point. The total number of units would be 117 units not 130. I would like a motion to amend the application to 117 units.

Do I have a second in?

PAUL WANZENRIED: Second.

JAMES MARTIN: On amending the application to read 117 units?

The Board was unanimously in favor of the motion.

3. Application of Morgan Management LLC, 1170 Pittsford-Victor Road, Suite 100, Pittsford New York 14534 for revised final site plan approval for 13 two-story apartment buildings totalling 117 units (amended from 130 units) and a 4,000 square foot clubhouse with pool at property located at 85 Union Square Boulevard and portion of 3327 Union Street in PRD zone.

Matt Sinacola was present to represent the application.

MR. SINACOLA: Good evening, everyone, Mr. Chairman, members of the Board. My name is Matt Sinacola with Passero Associates representing Morgan Management tonight.

I will get organized here. I won't repeat everything that is in the application, but just to outline briefly, we are requesting reapproval of the 85 Union Square project which was granted approval last year. The -- the explanation for this action is that the -- they went out for -- to solicit information on cost of the construction of the units as approved.

There was a request for people in the meeting room to quiet down.

JAMES MARTIN: Sorry.

MR. SINACOLA: So the preliminary numbers came back on the designs that were presented to this Board, and the costs were quite high. So they went back and regrouped and said okay, if we change configurations, um, to the structures -- and this really is architectural. It's all internal to the buildings and how the garages are configured and so forth. They were able to lower those costs significantly.

As a result, however, it changes the -- the number ten units per building to nine units per building. Um, in addition, it also results in having all of the driveways, or I should say garage doors, facing the front of the buildings. And in the approved configuration, we had these side entrances. So we had paved access ways with additional parking. That's all been changed so it is just frontal to each of the buildings.

So again, we have gone from ten to nine units, and as a result of that reconfiguration, it eliminates impervious areas. I think it's beneficial from the standpoint it creates a more private environment behind the buildings for residents.

There is a number of other positives, I guess, from the overall site plan analysis standpoint which are listed in that application.

So that is kind of the general reasoning why we're coming back here. I was -- it is predominantly a cost issue. The buildings were very expensive. They had examples of those that worked out fine, but in the years, two or three years since the last time they were used, the costs went up.

Again, that all goes to internal -- apparently internal structure elements, routing utilities in the building and that sort of thing.

So the point that I want to stress is that there are no changes to the aesthetics. The idea is to maintain the quality that we had originally approved, and again, you have all of the layout information that -- that the architects, James Fahy submitted, and I have -- I think these are the ones you saw before that were approved last year. We have a couple here. So the appearance will -- will be retained both for the community building as well as the residential units.

But the difference will be that they will be slightly longer overall to accommodate doubled-up garages on each end, and as a result, the -- the -- the separation between the buildings will be dropping by 10 feet. We had a 30 foot separation. We now have a 20 foot separation. So again, that combined impact will be sort of a -- I think a little more conducive for private backyard use instead of having the -- the driveways extend to the sides of the building with additional parking, and the other nice thing is that will all be converted to lawn areas. There was a concern in the original design, we -- we were using those access areas as emergency vehicle access, and what we have done is we've replaced the drive access areas with an extension on the

parking areas, maintaining these paved areas aligned with the gaps between the building so that emergency vehicles could park there, and if there is a need, and we have shown on the plans you have the firefighting hose lengths of 130 foot so that there is no -- no long distance that needs to be incorporated. So we have tried to -- we have preserved the -- the public building safety aspect of -- of what was beneficial about having it configured in the approved way.

And we're just going to have these paved and just stripe it off as -- as non-parking areas. So that is kind of a -- that is kind of the strange explanation, I guess. And as we -- we listed in tabulated format in the application some of the additional, um, general impacts that this has, um, I guess from a standpoint of site plan analysis, they're all positives, um, in that the impervious areas will be dropping from 5 acre -- 5.69 acres to 4.98 acres. They're all fairly minor reductions in impact on the site, and of course, the overall population would be going down.

So -- and we did receive a letter of review from the Town Engineer and I don't know -- Mike (Hanscom) did you get the response back from us?

MICHAEL HANSCOM: Not yet.

MR. SINACOLA: Not yet. I think Joe Dibble was going to send you one, so. If you want, I can just kind of touch on those.

Mike (Hanscom)'s requested Item 1 that we resubmit a revised Storm Water Pollution Plan due to the reduced impervious areas on site. I guess our feeling toward that is if -- and this will be our response to you, we would prefer just to leave the system as is. The adjustments are minimal. The same amount of estimates are required, all of the same structures have to go in. The only impact would be potentially reducing the pond slightly, but it -- but we're -- our applicant, our client is fine just leaving it full size. It adds a little extra to the -- to the capacity of the system and I don't think it really harms anything. So I -- our recommendation would be just to leave it the way it is and use the original approved SWPPP.

There was an issue regarding the parking requirements, and I know you went through this in detail, looked at the original plans and looked at the revised plans. We have -- you reanalyzed the parking requirements for the clubhouse and the square -- based on the square footage and I guess we don't really have an objection to that. I mean, there is a definition issue as to how the building is used. Um, but in response, we went ahead and added some additional parking in front of the building so that there are 15 regular parking spaces, handicapped parking spaces in the front. Prior to that we had 11 in one. So now we have 15 in one, and we've sort of assumed these five that were proposed all along would be used for the community building.

Um, and I should add site wide the parking has been adjusted slightly. In eliminating these drives between the buildings, um, we have added some additional parking on the -- the blisters that were proposed originally. And that was sort of a trade-off because in some of those areas we had to have driveways. Now we don't have the driveways, so we have room for parking. So there was a site wide sort of tradeoff. And those numbers, you're correct, we have adjusted the correct numbers that are on there.

But to summarize, the approved version and this version are both above the amount needed. So the total is fine. And that kind of dovetails into your comment, Number 3, regarding the 250 parking spaces instead of the 236. Um, you have Comment 5 -- you skipped 4, think.

Proposed storm water pond, privately owned, that is all true and we'll obviously file the -- the maintenance agreement for the site.

Number 6, upon completion of the project, applicant should submit a landscape certificate for compliance. We will do that. I should add that we have not changed the landscaping. There were gaps where the driveways were going through. There was no trees proposed there, because it was all paved. We have left that exactly the way it is. So there is no impact on the landscaping. And Pat (Tindale) is not here tonight. So... but there -- I don't see a reason why we -- we'll get a copy sent to her so she can look them over. If she wants to recertify them, that is fine, but there are no changes.

7, the Town Engineer, Department of Public Works should be copied on any correspondence with any other approving agencies. We will do that. I don't believe there is any changes for the outside agencies. I don't think there is anything.

Number 8, this should be construed as a complete and final review of this application -- not to be construed as a complete final review of the application. If Planning Board approval is granted, we would request it be contingent on Town Engineer and Department of Public Works approval.

So if there are any questions, I would be glad to answer them.

JAMES MARTIN: The reconfiguration of the units to nine, is that like five over four? Is that the way those are going to be constructed? I was looking at the elevations and the floor plans and wasn't quite totally evident to me what your configuration is.

MR. SINACOLA: To be honest, it was a little baffling to me, too. I looked at it and I figured out what happened. The -- and I made a little cut version here which helps explain it. Because -- because Fahy offered this plan set with a break line that makes it a little hard to follow.

So the buildings will look like this, when they get face on, and there are four sets of two doors. It turns out that this doorway (indicating) goes up a stairway and it breaks both ways and feeds the two upper apartments, so there are four apartments on the lower level and four on the upper level.

KAREN COX: So the smaller units are on the upper level.

MR. SINACOLA: Um, yes. Slightly. Yeah. There is --

KAREN COX: Fewer bedrooms.

MR. SINACOLA: They go out over the garage areas on the lower level, so it is sort of a tradeoff. But the bottom line is that that door specifically in each unit enters the building, up the stairs and there is a foyer at the top of the stairs which feeds two units. Because I was counting doorways and they said nine units, and I was like, "Where is the ninth door?"

JAMES MARTIN: I was having problems with that.

So you have already stated everything pretty much stays the same. The clubhouse, the pool. There will be a little more open space on the property.

MR. SINACOLA: Yes.

JAMES MARTIN: No change in the road configurations?

MR. SINACOLA: No. Sidewalks will be the same, same circulation is proposed. Um, to quantify a little impervious areas on the site will be reduced by 12 percent as a result. The open areas will be increased by 27 percent above what was proposed. Um, the green space will increase 11 percent over what was proposed. So.

PAUL BLOSER: One of the first things you started talking about was now that you're getting close, you're finding costs are more and cost cutting necessitated these changes. When these were sold to us, it was brought in as luxury apartments. And what standard are we going in at now? I mean, what else have we reduced on internal accoutrements?

MR. SINACOLA: I don't believe there has been any changes. They're the same. The problem lied in the way the buildings were internally structured. The -- the design they had turned out to be an expensive option for the -- I guess the way they prefab all of the structural stuff. I don't have all of the details, but they -- the goal is to maintain the same standard, including, and I would stress, the -- the view of the building, the colors are going to be the same, the materials will be the same, the architectural details will be the same.

But obviously the -- the configuration where the garage doors are and so forth will have to change.

But we're still going to go with the -- with the porches, the patios, the -- the railings are all of the same. So it's just a rearrangement of the elements, all of the visual and the -- the beneficial elements we had before. And as far as I know, the interior is the same. They -- they have all of the same attractive elements that are going to, you know -- as per the definition of luxury. I mean, I know there was some debate about the definition on that.

PAUL BLOSER: And I understand that, but, you know, I want to make sure that we're not cutting corners inside now also to save on costs, because that was one of the big concerns of again neighbors and of this Board, what standard of quality was going to be put into them.

The other question is, where do we stand with the school bus turnarounds and bus stops?

MR. SINACOLA: I don't think there has been any changes. We still have the one by the community building. I don't think there was any need to modify that. School bus loading area, that is dashed in. It -- it is sort of blistered into the area right in front of the clubhouse. We come in, park there, load and off load and exit. So.

PAUL BLOSER: Okay. For now that's all I have.

DAVID CROSS: Same concern as Paul (Bloser) about interior finishes. The expectation is we don't downgrade at all. Originally we had approved stainless steel appliances and I believe granite countertops.

MR. SINACOLA: All of that should be blocked in. There shouldn't be any changes to that.

DAVID CROSS: Part of the approved plan in May, we still had a playground at that time, and you have only increased your green space. I would guess there would be more opportunity to do something nice there.

MR. SINACOLA: Well, we have increased our green space, but it's little bits here and there is the problem.

DAVID CROSS: It looks like you have room north of the pool -- or, I guess, north of the pool or south of the clubhouse.

MR. SINACOLA: We have the playground proposed north of the pool.

DAVID CROSS: You do?

MR. SINACOLA: Yes. That's on both the approved plans that -- that we have in action now and we haven't changed a thing with that. So it is still there.

DAVID CROSS: Excellent. Okay. I'm just looking at your cover sheet here and I didn't pick it up on that.

MR. SINACOLA: What we did do is this plan now shows what we are -- we are defining as open space, this -- these sort of amorphous shapes. They were broken up a lot smaller in this configuration, the approved configuration, so they would be expanded.

DAVID CROSS: Okay. Now, I think you're headed the right way with the number of units. 117 works better than 130.

KAREN COX: I do like the increase in the green space, and the decreasing the number of units. That's all I had to say.

PAUL WANZENRIED: Matt (Sinacola), Building 8, Road B, that last driveway there, in the far right end as we look at it -- no, up front. Up front. Right in front of you.

MR. SINACOLA: Yep.

PAUL WANZENRIED: You see that driveway there?

MR. SINACOLA: Yep.

PAUL WANZENRIED: Looks a little tight. Will you check that and make sure that that complies? My concern is I'm going to get a car that is going to block the sidewalk.

MR. SINACOLA: Total depth you mean or --

PAUL WANZENRIED: I'm on the other end. No. Down, down. Building 8.

MR. SINACOLA: Oh, I'm sorry. Here.

PAUL WANZENRIED: There. Bingo. Looks a little tight. I don't know if you can cock the building in some fashion or --

MR. SINACOLA: Well, we can double check and make sure there is enough depth in there so we're not sitting on top of that walk.

PAUL WANZENRIED: Just something I picked up.

MR. SINACOLA: I think, and as the Town Engineer commented, the drive -- we -- with this new -- the building configuration, we have actually gained some setback to the buildings. So as a result, the buildings are actually further away from the drive lanes. And most of -- I think all of them, and perhaps -- well, you pointed out the one exception.

PAUL WANZENRIED: The one exception?

MR. SINACOLA: They can stack two cars and still not be over the sidewalks. So that may be the one spot where you would only be able to get one vehicle in there without having a fender extend over the walkways.

PAUL WANZENRIED: Will there be signage at these delineated areas for fire access? You're striping the pavement. I see that. That's not going to stop Tommy from parking his car there while he visits Jane.

MR. SINACOLA: That's probably true. We could have a sign, but...

KAREN COX: Or we can have someone come in and push Tommy's car out of the way.

JAMES MARTIN: I think with the revisions that have been proposed, that I'm going to essentially ask that the Fire Marshal take a look at this again just to be sure that he is comfortable with what is being proposed. I will make that -- it would be a condition of approval if this goes forward.

MR. SINACOLA: We can review that with him and see if we think we want some additional signage.

JAMES MARTIN: You will review it with the Fire Marshal.

PAUL WANZENRIED: And as far as snow removal, this is all privately taken care of, correct?

MR. SINACOLA: That was the intention, yes.

PAUL WANZENRIED: Because you have -- I count four snow storage areas in this whole parcel?

Most of them to the west, and then there's one up there, Road A, above the parking spots, with -- extraneous parking spots when you come in to the Town. This is -- based on plowing the driveways and pushing the snow, that is a hell of a way to push the snow, all that distance. So.

JAMES MARTIN: If I recall, when we talked about this before, there would be haul away if it gets --

PAUL WANZENRIED: I just want to make sure that that is still the case, Jim (Martin). That's all.

MR. SINACOLA: It's always a mix. In that the contractor or whoever -- I know I have seen Morgan's operations and they -- they seem to do a pretty good job and they're pretty mindful what they're doing. But each unit -- each configuration is a little different so they go about it a little differently. It may be a combination pushing off certain ends and having to use front-end loaders and having to move things a certain way. I think we have accommodated enough spots, you know, scattered around the site where we could -- we could deposit the snow and store it. I know some are labeled and some of them aren't labeled. It's not intended as a location, but I mean one can foresee that some will end up here.

PAUL WANZENRIED: Right.

MR. SINACOLA: There are some other opportunities in there.

PAUL WANZENRIED: Can you explain the parking spaces in front of the porches? Are they done just to facilitate extra parking or to extend your numbers to qualify for parking? For parking requirement?

MR. SINACOLA: We are --

PAUL WANZENRIED: If you look at that -- look at the plan, right below your hand, I'm specifically talking about the parking spots. You have two, four per unit in front of each porch.

MR. SINACOLA: Yes.

PAUL WANZENRIED: And those are extras for visitors, residents? What is the purpose of those?

MR. SINACOLA: Well, there is a mix.

PAUL WANZENRIED: "Do you need them" is maybe my better question.

MR. SINACOLA: Yes. We -- to -- to clarify, the -- there are four garages, undercover parking spaces and the approaches to them, and there are four additional places to accommodate the units that do not have the garages. So that's -- so the -- the tenants in the center units would -- well, the -- the above or -- you have to look at the configuration how the units are set up. The units without the garages would park there. So these are specific for those tenants.

KAREN COX: Not all of the units in each building --

MR. SINACOLA: Right.

KAREN COX: -- would be assigned a garage. Presumably their rent is lower.

MR. SINACOLA: There are six. There are six garage units and there are three units without garages. So. So the answer to your question is those spaces would be designated specifically to these units that do not have a garage. The benefit to having the other unit is that you can park your car and then also have an additional parking space or two behind that on the

active driveway.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I -- as I remember, the picture that is posted on the board there is -- is -- was the plan before; am I correct?

MR. SINACOLA: It -- representative, yes. Something like that.

MS. BORGUS: Do we have one of what it is going to look with these changes? Do we have a comparative photo, drawing?

MR. SINACOLA: I can show you what was submitted with the package, Dorothy (Borgus), if you would like.

JAMES MARTIN: We have black and white elevations for the Board's purpose.

DOROTHY BORGUS: I'm just trying to get a feel for how this is -- these garages are going to change the appearance as you look at these buildings, and I'm --

JAMES MARTIN: You can post that up there, Matt (Sinacola).

DOROTHY BORGUS: There were other people. (Indiscernible) neighbors.

MR. SINACOLA: That would be the full scope of the building.

BEVERLY NEDER, Attridge Road

MS. NEDER: Two-car garages? They're separated? I mean one -- one unit, one apartment would have one garage?

MR. SINACOLA: Yes. Yes.

MS. BORGUS: That has a wall?

MR. SINACOLA: Yes.

JAMES MARTIN: As he stated, six apartments will have an indoor parking garages and three units will be parking outdoors.

MR. SINACOLA: Correct.

MS. BORGUS: Um, if -- if the number of apartments, of units are going to be decreased from 130 to 117, which I agreed -- which you agreed, you changed the application to --

JAMES MARTIN: We amended the application to reflect that, yes.

MS. BORGUS: What type of apartments units are being eliminated? Obviously we'll not have the same number of two-bedrooms and one-bedrooms and whatever.

Do we know how the mix is going to change then?

JAMES MARTIN: I don't know what the mix is going to be of one-, two-, and three-unit apartments. I know they're on the first floor. Based on the elevations we have, there are two three- bedroom; one two-bedroom and one one-bedroom, I believe.

MR. SINACOLA: Yes. We -- it was included with the application. I just don't know if I can -- I can summarize it quickly. The lower level -- to summarize here it appears it is a mix of one-, two- and three-bedroom.

MS. BORGUS: Right.

MR. SINACOLA: On the lower level. And on the upper level we have a single, a double and -- a double, a double and a double. There are four doubles and one single on the upper.

MS. BORGUS: On the upper.

MR. SINACOLA: The lower, we had a single, an upper, two -- two-bedroom -- I'm sorry, a three- bedroom. A one-bedroom, a three-bedroom and a three-bedroom and a two-bedroom.

KAREN COX: So each unit has more -- there is more two-bedroom units. That's kind of the majority of the units.

MR. SINACOLA: I think so.

KAREN COX: Those are the ones obviously that are most attractive.

MS. BORGUS: Okay.

MR. SINACOLA: There is a mix.

JAMES MARTIN: I would guess that the market will dictate, you know, what is the most preferred configuration.

Go ahead, Dorothy (Borgus).

MS. BORGUS: I was just concerned we may end up with more smaller apartments. As long as the relative mix remains the same and -- as appropriate to the number of units, I guess it's -- it's not an issue.

Um, originally when this gentleman began to speak, he said there -- there were -- there were no changes to aesthetics. Well, I -- I guess I -- I have a problem with that, because if you're going to reduce the number of garages, or the -- or the location of the garages, I -- how is that not going to change aesthetics? That's why it would be helpful if we had another, you know, similar drawing so that we could see the difference. It -- I hope that's right, because aesthetics are very important here. This is going to be a very crowded -- very crowded project and aesthetics will be crucial here. So I hope -- I hope he's correct. Thank you.

MR. SINACOLA: I can just add, in answer to your question quickly, I think pretty much what is happening we're going from a situation where we had more garages on the ground level under, sort of stacked, in a stacked configuration. So one where we're -- two of them are going out on the tail ends of the building so it does spread it out more.

The advantage here is you have two garages and there's a gap and two more garages. There is a cluster of garage doors, you're right, and a formal section in the middle. That is the kind of biggest deviation from the viewing standpoint.

MS. NEDER: I guess I'm still a little confused on the garages. Will every apartment unit have a garage?

MR. SINACOLA: No. No. There are nine in each building. Five -- six will have garages and three will not have garages.

MS. NEDER: And I assume that there is a price difference --

MR. SINACOLA: Yes.

MS. NEDER: -- in the rent? What is your target market rent wise?

MR. SINACOLA: I -- I don't have the numbers, I'm sorry.

JAMES MARTIN: Based on previous hearings, we understood this apartment rental to range like from 900 to \$1300 a month, if I remember my numbers correctly, in that -- in that ball park, depending on, you know, the size of the unit.

MS. NEDER: So I take that, it's 900 and -- the rent?

MR. SINACOLA: Yeah. The monthly 9 to 13, depending on, you know, the amenities and -- and in this case.

KAREN COX: Size.

MR. SINACOLA: In this case, presence of or lack there of a garage will have a lot of impact on that, too, I'm sure.

MS. NEDER: How much will the runoff from this area affect the current wetlands?

MR. SINACOLA: The -- well, um, it will be less.

MS. NEDER: Less?

MR. SINACOLA: It will be less to nil. Because first of all, the -- the approved plans already took all that into consideration. We have already gone through that whole process, and the facility that, um, has been approved around -- this is a copy of the approved drawing sets. So we have already accommodated all the drainage in the project to this facility and discharges to the wetlands. So we're not allowed to impact that in a negative way. So that has all been -- all been previously --

MS. NEDER: Is this going to be a pond here?

MR. SINACOLA: Yes. This will be the typical storm water detention facility you would see scattered around. And as a result of this proposal, we're actually reducing the impervious area slightly. So as you heard us talking about this facility, it will actually be smaller than what we're showing and what is approved because we reduced it, but we're going to (indiscernible).

MS. NEDER: Now, this is a facing unit -- the street here?

MR. SINACOLA: North is this way (indicating). Senior complex is over here (indicating).

MS. NEDER: And where is the community building located?

MR. SINACOLA: That's this one here (indicating).

MS. NEDER: Will that strictly be for the residents?

MR. SINACOLA: I believe it is, although, I -- we talked about what the use will be. It is for the community obviously.

MS. NEDER: 4,000 square feet. It's a pretty good size building.

MR. SINACOLA: Pretty good size building, yep.

JAMES MARTIN: I believe in previous testimony before the Board that it was indicated that it will be exclusively used by the complex, the pool and the -- I'm sorry. I was just commenting that the pool and the recreation building will be exclusive to the -- to the site itself and I think that was brought to our -- you know, to our knowledge in previous testimony.

MS. NEDER: Will there be on-site management?

MR. SINACOLA: They have a -- the company has a management team, so there undoubtedly will be a maintenance person assigned to this facility once it's completed.

MS. NEDER: But there won't be an office there?

JAMES MARTIN: According to the letter there will be a small portion of the recreation building dedicated to a management office on the site.

MS. NEDER: Whether it will be manned every day --

MR. SINACOLA: I --

JAMES MARTIN: We can't answer that question. That's up to Morgan Management as to how they want to deal with that. My expectation would be that while they're filling the place up, there will be somebody there all of the time. Once it is full, there may not be.

MS. NEDER: I'm just concerned right now about the amount of trash, garbage that is generated along the roadways in that area. It's -- you can walk through there. My neighbor walks every day, and she can pick up a 30 gallon trash can -- trash bag full of trash almost every day. There has to be some way to control this and the only way you're going to do it is with some kind of on-site management that is going to go around and police the area and keep it clean. And what do you do about garage pickup? Will they have dumpsters or will they have individual totes?

MR. SINACOLA: I think --

JAMES MARTIN: This has all been addressed at previous meetings. There will be totes. There will be pickup by Waste Management company coming in there and hauling, cleaning up from the totes.

MS. NEDER: Where do you plan to put the snow when it's plowed?

KAREN COX: He explained that already.

JAMES MARTIN: That was already addressed earlier tonight.

MR. SINACOLA: We talked about snow.

MS. NEDER: I mean, it's --

MR. SINACOLA: Trash is --

JAMES MARTIN: You have already talked about that. And -- that was addressed in a previous meeting.

BEVERLY NEDER: You ask anybody that lives in the area and they will tell you about the trash.

JAMES MARTIN: We heard it in spades, Miss Neder, at previous meetings, all right? We heard about the trash issues and we're well aware of -- all I can say.

MS. NEDER: I know you're aware of it.

JAMES MARTIN: All I can say is Morgan Management indicated that they will do everything they possibly can in order to keep their site clean. We can't control that.

MS. NEDER: Well, we have assumed many things in the past.

KAREN COX: Well, I guess if I can -- if I can say something.

MS. NEDER: They haven't come to fruition.

JAMES MARTIN: I --

KAREN COX: I don't want to say in defense of Morgan Management, but from what I observed when I went around looking at apartments for my daughter last year, we went to probably three or four Morgan Management communities, and they were really nice. They -- their facility looked good. I didn't see garbage. Those had managed -- you know, management offices where people were there full-time, but it might have been because there were higher turnover. But I didn't see anything that looked objectionable to me.

MS. NEDER: Well, that's not only for the people who are living in the area now, but for future residents.

KAREN COX: Sure. But I mean if they're keeping --

MS. NEDER: If the property isn't neat and maintained, your type of clientele is going to go down. And once that starts dropping, everything starts dropping. The problem is, is that we have a lot of rental units right in that small area, and it's a lot of density and I was just wondering if there is any plans in the works for building sidewalks on Union Street up to Buffalo Road.

JAMES MARTIN: I don't know. We're working on a generalized sidewalk plan for the community.

David (Lindsay), do you have any comment on that?

DAVID LINDSAY: There is no current plans to construct sidewalks there along Union Street, but the Town did retain a consultant to prepare a pedestrian sidewalk Master Plan, so that is one of the areas we'll be looking at.

MS. NEDER: Okay. Thank you.

ROGER SMITH, 70 Attridge Road

MR. SMITH: I think the issue of policing or trash and all that stuff depends on your clientele. What translates into luxury apartments? What -- what -- why do you -- how can you come up with that title? That still isn't clear to me.

JAMES MARTIN: I think it's based on the rental rate.

MR. SMITH: Supposing it is -- you say \$1300 a month. Supposing there is too many vacancies at the end of a year. Would you lower the rate and thus lower --

JAMES MARTIN: Just -- in defense of --

KAREN COX: We went through this.

JAMES MARTIN: He is not representing Morgan Management. I think those questions should be directed -- is there anybody here from Morgan Management that can answer those questions?

MR. SINACOLA: No.

JAMES MARTIN: It is difficult for him to answer.

MR. SMITH: You want me to direct it to you, then?

JAMES MARTIN: You can direct it to me. It's difficult for him to answer those questions. I don't represent Morgan Management. All I can do is reiterate to you what they have told us in previous application meetings on this particular development.

MR. SMITH: That was -- I have been to all of the meetings and that was kind of fuzzy. I mean they never really did define no, we're not going to lower it past a certain point. I'm just wondering what translates into luxury apartments as opposed to just another Meadowbrook or another Cedar Gardens -- or whatever it is, Cedars over there. They're --

KAREN COX: We will not be taking Section 8 clients.

MR. SMITH: They all start out beautiful, apartments. I know I drove school bus for a lot of years and I can tell you some stories. They start out really, really nice, but the clientele got lower and lower. A lot of problems, a lot of family disputes and so forth. That's why I brought up the question, what translate -- what -- what parameters do they have? Can they just -- that's one thing.

JAMES MARTIN: I think they were basing -- I will answer the question. I think they were basing that on the internal amenities they would provide in the apartments. You know, the appliances, the countertops, those types of things that would probably constitute, you know, what they're going to build there is probably significantly upgraded from, you know, the normal type of an apartment complex.

I mean granite countertops and those types of things are not cheap, and I think that is what they portrayed to this Board anyway is what they intended to do with the internal amenities inside the apartments. Therefore, calling them luxury apartments.

MR. SMITH: Intentions are always good, but I -- but I hear what you're saying.

One other thing, that whole street, Attridge Road, where this is going to impact that whole stretch there, and I'm sure many more in that area, our assessment value went up 8,000 some odd dollars. How is this going to affect our assessment? Is our assessment now going down because of apartments, more in that area, or -- I'm just curious.

JAMES MARTIN: I have no idea. You would have to ask the Assessor that question.

MR. SMITH: Okay. I kind of don't think that is going to happen. One other concern I guess was brought up earlier, they said they would cut their costs significantly, but the quality is -- what insurance are we -- are we going to have that it is going to -- that the materials and all of that are going to --

JAMES MARTIN: I think this was explained. A lot of it was internal structure and design of the construction -- of the buildings themselves which was going to help alleviate the costs. There was no intention to -- and I'm capturing that as a condition, all right, that there shall be no changes to the internal amenities that were proposed for the -- for the apartments. That will be a condition of approval at this -- at -- if this goes forward, that they -- that they will need to do that and it will be -- I'm sorry, the Building Department to insure that -- in their inspections that that is carried out.

MR. SMITH: Well, I trust you folks will do your -- you're representing us, so I hope you will do the right thing and not just say put them in there.

JAMES MARTIN: Thank you.

MR. SMITH: I trust -- I know at least one guy on the Board that I know is a straight-shooter and I trust that all of you will do the right thing.

Thank you.

RON GARWOOD, 3331 Union Street, North Chili

MR. GARWOOD: In the notice it had something about 3327 Union Street. I've not heard -- I've not heard anything up to this point of what is going in there or what is proposed to go in there.

JAMES MARTIN: You can comment on that. I believe that was just, you know, parcel of the property that needed to be included from an address standpoint; is that correct?

MR. GARWOOD: Where is that 3723 located? Is it on the north side of Union Square Boulevard or on the south side?

JAMES MARTIN: I don't remember that showing on there.

MR. GARWOOD: It came out on the notice, Jim (Martin).

JAMES MARTIN: Just a minute.

KAREN COX: 3331 is right here.

DAVID CROSS: South side. North of the New Hope Church and south of --

JAMES MARTIN: It is just right at the corner where Union Square Boulevard is.

MR. GARWOOD: North side or south side?

KAREN COX: South side, Union Square.

MR. GARWOOD: So there is nothing going in there currently?

JAMES MARTIN: No. There is nothing proposed for that parcel.

MR. GARWOOD: Why is it even in there?

JAMES MARTIN: Pardon?

MR. GARWOOD: Why would it even be in there?

JAMES MARTIN: Because it is part of the property.

MR. SINACOLA: That's the --

MR. GARWOOD: There is six acres between that proposal and that lot, so it is not --

MR. SINACOLA: It is the legal address of the owner I believe what is happening.

MR. GARWOOD: That's what got me here tonight was that one sentence. Because I would be concerned if this -- whatever we're putting in here is going to be next to me.

KAREN COX: It's not.

JAMES MARTIN: It's not. There is nothing proposed for that land.

MR. GARWOOD: That's what is on the notice.

JAMES MARTIN: Your section is broken out there, and there is nothing to be built on that site.

MR. GARWOOD: Am I correct in looking at the right schematic up here, that's the -- the apartment is going to go? Is that what they look like?

KAREN COX: You want to show him the front cover of this?

MR. GARWOOD: Because I feel like I'm in a time warp that we have gone from -- I attended the last meeting I thought on this proposal and now it seems like I'm missing a step, because if I'm missing a step, I was never notified of the meeting, number one.

And it looks like we have jumped -- so some of the issues that these people have surfaced tonight, we -- the way you act, you have already talked about those and -- in the past.

KAREN COX: Yes, we have.

MR. GARWOOD: I'm surprised. I wasn't notified.

JAMES MARTIN: This is about the fourth or fifth iteration of this application.

MR. GARWOOD: Well, again, I have only been to, I think, one, once before. Maybe two.

JAMES MARTIN: Can you show him?

MR. GARWOOD: That's all right. I believe you when you say it's not part of it, but I'm asking is that the way the apartments are going to look? If I'm going up Union Square, that is what I am going to see?

JAMES MARTIN: The one on the right, my right, looking at it this way.

MR. GARWOOD: From here it looks like the Colosseum in Rome, just the way it is sitting today, and I hope when I have to walk my dog two or three times a week down that road, I hope that is not what I'm going to see.

Why could you not model after Cottage Grove on Buffalo Road? They have got nice -- I think those are town homes.

JAMES MARTIN: They're town homes.

MR. GARWOOD: They could be apartments. This looks like the development down at Harris Seed on Buffalo Road and it just doesn't fit. It doesn't fit any way, shape or form. Human beings shouldn't be allowed to live in that type of situation. It's too many people. And I think Mr. Smith touched on it a little bit, that it's today's development; it's tomorrow ghetto. That is exactly what is going to be approved, I'm afraid.

DAVID NAGLE, 3309 Union Street

MR. NAGLE: I'm David Nagle. I live at 3309 Union Street. That's 3311. I have 3309, 3327, 3328, and I am adjacent to this other parcel that is sort of something out from the -- all of a sudden surfaced.

And I also have not been notified of the last meeting even though I'm the nearest neighbor there. So it is like a step has been jumped. And I'm not too happy about that. I mean, I agree with what you guys do, and to formulate this and we trust you to do this, but I want to be involved in the steps of it. I don't like being skipped over, being the nearest neighbor. I'm not a trouble-maker.

I don't care what they put in there as far as the aesthetics. That's up to them. The things I'm concerned about, to me this is -- this is like Russia. We're taking the Crimea right now, and we're going to take the Ukrain next, but we're not going to tell you we're going to take the Ukrain. We just move in slowly. This is what this seems to be.

I don't know I have ever been to a meeting where I've had little information given to me. I don't know what he is saying half of the time. I have been to the other meetings faithfully, and I haven't ever said anything negative to this group or negative to them, but it seems to be sort of a -- we're going to take over this whole thing.

I think originally when this was proposed, they wanted to put as many people as Hilton there. They said let's step back and do a little bit at a time and little bit at a time, because eventually they will say, "We did it here. Why can't we do it here?"

And then the thing is that they will find out that driveway that was put in the wrong spot because they didn't want to pay for the money to put it on the hill is going to be lower, going to need a traffic light because there is going to be problems there. Well, we have all these people. Who is going to pay for the traffic light? Are any of these people putting in an escrow account so when the last person comes next to me that drains on my property and is sitting in front of me says, "Well, who's going to pay for this traffic light? Why should we pay for the traffic light? We're there. Why should we care about it, because it was not set up properly, because it was cut costs."

There was an opportunity to buy that road that went on King. They could have put a traffic light there, but they cut costs and they have done that completely over time and they're trying to get as dense as they can because of profit. Now, I'm not opposed to profit and I'm not opposed to someone doing something on their land that they can.

But it seems that it's a -- very much a -- we don't keep you -- we don't inform you and we're going to do whatever we want to and we'll change it accordingly and then we'll just take another piece. We'll take another piece.

So in this Master Plan, I don't know what it is, but I don't like it because I think the property that he addressed is in a part right now where they're not paying taxes. I'm paying taxes on all my vacant property, but I don't think these owners are paying taxes on their vacant property because it was put into a park. Well, I think we should park there so they did have to pay taxes. And all of sudden this is being reintroduced for what it's really gonna be. I'm just concerned.

People can do what they want with their own property, but I'm concerned that this is just -- this is just a way to -- to pack people in and we're going to have problems now because everyone is building upon the same foundation. This is our little spot and this is all we're concerned about. This is our little spot.

When all those little spots are all put together, when they do the next one, we're gonna have a tremendous problem there with traffic. So if someone wants to live in a house that looks -- with all of the garage doors in it, that's up to them. People don't have to move there. They -- they have a choice to move there.

I don't have a choice unless I want to move out. I don't have a choice because I -- I don't think I'm being told exactly what is going on here. And I don't like to be skipped on a couple meetings, because I have gone faithfully to these meetings on it. And all a sudden they skipped a block on me.

Him, he's the nearest one on one side and I'm the nearest on the other side and we didn't get informed on that. I'm not happy about that.

MR. SMITH: We didn't either.

MR. NAGLE: I'm not happy when all of sudden it's on hold and the next meeting scheduled it's already in play. I'm not happy about that.

I don't -- I don't disagree with how you are doing it, how you've been handling it. I know you're put in a rough spot because there is a density that has been put in the past that you have to

apply, but the same thing will be into the next piece of property they take and the next piece of a property. And all of a sudden, we're going to have someone hurt badly going over that hill, hitting someone in there and then we'll be like, "Well, what happened here? We don't know what happened. We better put a traffic light here, now that someone has been killed."

They're pulling -- they're pulling people off those hills in the winter all of the time, that drops off it, all of the time. Because it was not put in the right spot because of cost. Because I know they had an opportunity to buy the other property and they didn't want to pay the price for it to do it right, so someone wouldn't get hurt, so that it could handle the traffic.

I apologize if I seem a little upset. You guys have done a great job. I'm not negating the Board here. I certainly -- of all of the meetings I come to, I never tried to -- to dump on the Board saying, "Well, this is my slice and I want just what I want."

No. People have the right to do with their property, but it is in the total of what is going on there that I'm concerned now because I think they're just going to keep building these things and building these things and we're going to have a kind of problem when it gets to -- when that gets in, stays in. I don't want to see anyone get hurt when that time comes when someone is trying to pull out of there to get out of there because traffic is tight and they go over the hill and there they are. It's just put in the wrong place. I think if this continues on it, they should make plan provisions -- let's put a traffic light in right now because it's going to come.

So that's my -- that's my take on it. So. Sorry if I appear a little bit more upset. I'm not mad at anyone. But I just -- but this is my concern, how I see this -- this whole thing is doing it's -- you know, it's -- it's all of the little parts are adding together that are going to be the problem. And we -- I -- I see that we can't look at it all just little individual parts because everybody is going to say, "Well, you did it here. Why can't we do it here? Why can't we do it here?"

And all of a sudden -- what can you say? You can't do it now because we let you do it here? It -- it's going to be a very hard, slippery slope. I -- I know someone is going to get hurt on that -- on that -- on that -- going out of that place. It's just not designed for the amount of traffic they're going to put in through there. So thank you.

JAMES MARTIN: Thank you for your comments.

DAVID MEYER, 26 Pleasant View Drive

MR. MEYER: David Meyer, 26 Pleasant View Drive. I just want it to be known I did not receive any documents stating any other meetings besides the first two and then this one. I'm not happy with that.

JAMES MARTIN: David (Lindsay), I would assume that, you know, if it's a Public Hearing, notification goes out according to our protocol in the Town.

MICHAEL JONES: Yes. That is true, Mr. Chairman. It's 500-86, owners within 100 feet of the property line have to be provided notice.

JAMES MARTIN: So I don't have an explanation as to, you know --

MR. NAGLE: I border it right there.

JAMES MARTIN: Understood. I understand. We certainly will take a look at this tomorrow in the Building Department and see if there was an error made, all right. I apologize if you weren't notified.

MR. NAGLE: Thank you.

MR. GARWOOD: Just doesn't look good.

MR. NAGLE: Doesn't look good at all.

James Martin made a motion to close the Public Hearing portion of this application, and Karen Cox seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: Other discussion at this time on the application? Just to go back and review, I mean, this has been a previously approved project by the Board for the 130 units. These are mostly architectural modifications, reduction in the number of units, more green space, less impervious. Those are the main issues that are occurring as a result of this.

PAUL WANZENRIED: Could you read the conditions of the last approval?

JAMES MARTIN: I will in a second. I want to do SEQR first.

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

JAMES MARTIN: As far as conditions go, basically upon completion of the project, the Landscape Certificate of Compliance is to be supplied to the Building Department.

The approval is subject to final approval of the Town Engineer and Commissioner of Public Works.

The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence from other approving agencies.

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval.

And all filing information as to liber and page number shall be noted on the mylars.

It is subject to approval by the Town Fire Marshal.

And it is -- the approval of -- the way I wrote this is the approved internal design and amenities shall remain the same. Because we -- that was approved as part of the original package.

That's what I have. Any that I have missed?

KAREN COX: No. I don't think so.

PAUL WANZENRIED: Do we need to reference the meeting date that it was approved?

JAMES MARTIN: Sorry?

PAUL WANZENRIED: Do we need to reference the meeting date this was approved?

JAMES MARTIN: Originally?

PAUL WANZENRIED: I'm just thinking of those amenities. When did we approve that?

JAMES MARTIN: I can write in per the approval granted on --

PAUL WANZENRIED: I would like that, please.

JAMES MARTIN: I will put in the meeting date.

Given that, on the application itself.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
5. Subject to approval by the Town Fire Marshal.
6. The original final approval was granted at the June 11, 2013 meeting. At that time the applicant indicated that the apartments would be upscale units with multiple upgrades within the units. The applicant shall provide all upgrades as mentioned in the meeting notes in the revised building design.

JAMES MARTIN: I want to move on with the meeting, please. This application is over.

FOR DISCUSSION:

1. New Hope Church, 3355 Union Street - proposed change of use in portion of building to allow an indoor soccer facility.

Phil Lepore was present to represent the application.

MR. LEPORE: Mr. Chairman, members of the Board, first of all, thank you for getting us in for this discussion. I know it was a last minute.

JAMES MARTIN: Your name for the record?

MR. LEPORE: My name is Phil Lepore. I'm representing New Hope Community Church.

As you can see, and as you may be aware from the letter that we sent in and the plans, um, that we're looking to take the -- the existing shell that we have erected on the property, the unused space and utilize that portion of our -- of the facility for the church, utilize it as a -- a multiple use sports and Community Center. So you can see the existing church is the white space there, and then the -- where you see most of the green, that would be a turf area, indoor turf which would be utilized by -- for indoor sports.

So we want to incorporate that into our -- into our church, into our -- part of our -- part of our outreach to our community. And like our -- like the Turkish community that kind of paved the way on this, we have had many conversations with sports -- youth sports in particular, and like -- like he said, they -- they travel far, far and wide in our County, especially Chili Soccer and those on the west side -- the southwest quadrant of Monroe County doesn't really have an indoor sports facility for youth or adults, for that matter, that has turf.

So that's what we -- we want to do. We want to help make an impact in our community and this is one way we feel we can utilize the space that we have. It's relatively affordable. And we have the existing facility, so we feel that it would be a minimal impact to the environment, to the -- because we had designed it to be originally a multipurpose Community Center, we were going to originally make it into a gymnasium, into a sanctuary, multipurpose facility. We had already designed it to handle the -- the traffic, the water, the impact, the lighting, the -- the

parking. We kind of designed it for that kind of -- that kind of use. So we feel that using it for this purpose would -- would have minimal impact on the environment.

JAMES MARTIN: That it?

MR. LEPORE: Pretty much.

JAMES MARTIN: Probably have some of the same questions I had previously. As far as the utilization of the facility, is it strictly for practice?

MR. LEPORE: Um, you could see those fields, there are two fields there. They would be two small practice fields, but they could be used for a game if -- if -- if they were one large one. So there would be the opportunity to have a game, as well. An indoor game for youth.

I think if -- if adults were playing, both men and women, it would be maybe four on four. Not a full scale indoor type of game. But it -- but it could be used by adults, as well.

JAMES MARTIN: Okay. Obviously space would limit anything with a tournament nature or anything like that. I don't see -- you know, it -- it would be too small to host any kind of a tournament.

MR. LEPORE: Yes, where we would have multiple teams and hundreds and hundreds of people, yes. That would not -- never happen.

JAMES MARTIN: Um, certainly I think there was -- based on having had meetings over there several times and knowing the facility well, I think there is adequate parking on the facility.

MR. LEPORE: We have 209 parking spots.

JAMES MARTIN: That's all I've got.

MR. LEPORE: Mr. Chairman, too, we have also submitted application to go before this Board in a formal hearing in -- in April. So we have already submitted our application with the site plan. So we would like to -- because we want to move the project forward in -- you know, so this is also for us to glean information from you as to what would be important for that meeting, as well.

JAMES MARTIN: Understood.

PAUL WANZENREID: Which way is north?

MR. LEPORE: I'm a little bit directionally challenged but -- off to the left. To the left.

PAUL WANZENRIED: So the doors are opening to the rear?

MR. LEPORE: Right. That is correct. Union Street is away from those doors.

PAUL WANZENRIED: Is this the entire facility?

MR. LEPORE: That -- that is not the entire facility, no. That is just --

PAUL WANZENRIED: Where does the church fit into this whole scenario?

MR. LEPORE: The church is attached to that, over here (indicating). The church is over here (indicating). In this area. It averages -- average attendance about 140 people on a Sunday.

PAUL WANZENRIED: Is any of this new construction, or is this all existing?

MR. LEPORE: The shell is all existing. The entire shell exists. It is all enclosed. The floors need to be poured concrete, so --

PAUL WANZENRIED: Do you -- do you have to do renovations for -- to fit these bathrooms, locker rooms, the lounge and all of that?

MR. LEPORE: Correct.

PAUL WANZENRIED: Would you have to renovate all of that?

MR. LEPORE: Yes.

PAUL WANZENREID: This would be -- your intention is this is open to the public then or for community use as -- as well?

MR. LEPORE: Yes. It would be open to the public. We would like to have it on -- obviously it would have to be organized because of the -- you know, because of the demand, we would like to engage, you know, non-profit organizations such as Chili Soccer or the youth -- the Rochester youth districts and Rochester youth soccer. That would be our primary partner in this. They would -- we would look to them to engage them, because of the -- the -- most of the people in Chili Soccer are members of the community of Chili. So that's what we would be looking at. When we say open to the public, people who have their kids in organized soccer. It wouldn't be just hey, walk in whenever you want and put the shoes on and kick the ball around. It would be an -- organized. And there are liability issues, as well.

PAUL WANZENRIED: Okay. I don't have anything yet until we see a site plan.

MR. LEPORE: We have submitted a site plan.

JAMES MARTIN: We will be getting to that. That is for the next meeting. We're still dealing with mail from this meeting.

KAREN COX: Um, I guess at the risk of sounding like the -- you know, an idiot, is this property currently -- do -- does the Church pay taxes on this property or is it -- or it falls under the rules for religious institutions?

JAMES MARTIN: My expectation is that they are not paying taxes on this.

KAREN COX: My -- my concern is, I guess, and -- and I guess maybe to a lesser extent with the earlier application that we saw today is, um, you know, years ago churches had recreation facilities that consisted of a gym as part of church that you would have CYO basketball games in it.

Now I'm looking at this one, especially, and to me, it is starting to look more like a business on church property. I see a pro shop. I see a party room. I see two fields. I'm -- I'm on the board of a volleyball club and I know how much we pay for gym space and it's a lot. And we're trying to get non-profit status, but there is money involved in doing that. Um, so -- you know, I'm concerned that we're kind of going down a slippery slope here where I see how this could be attractive to a religious institution as a way to get some cash flow or whatever. It -- it

would be a benefit to the community certainly. I know gym space is hard for us to get. It's great, but now we're getting into businesses being run on property that we don't have an opportunity to tax.

PAUL WANZENRIED: It's the same premise we had with the caterer down there at --

KAREN COX: But these are -- yeah, but this is getting larger and larger. You know, the next thing we may see is The Father's House coming in because they showed soccer fields and recreational facilities and they could build a dome. I mean, I'm just throwing that out. I'm not trying to be difficult. I'm just pointing out a trend that I see starting to happen. And yes --

JAMES MARTIN: Karen (Cox), your point is well taken.

KAREN COX: -- that building has been a shell since I think right after I moved into Chili, which was 21 years ago. It would be nice to see something in there, but I think that we, the Town, have to figure out a way to -- if there is some benefit for the Town. That's all I have.

DAVID CROSS: We certainly have the same concern, Karen (Cox). But the applicant would be prepared to address that at the April meeting. I think they -- there may be some tax implications if they're bringing in revenue from a use like this. So I would just ask that if you could be prepared to talk -- maybe you want to talk about it tonight, I don't know.

JAMES MARTIN: I think we should defer it. I guess what I would like is -- for Michael Jones to advise the Board as to what the ramifications of that, you know, type of activity going on. I'm assuming you're going to charge, you know, a fee for the use of the facilities. I mean, I'm assuming that right now; is that correct?

MR. LEPORE: That's correct.

JAMES MARTIN: Okay. So, you know, I'm not sure, you know, from a legal perspective how we deal with it, since it is a tax exempt entity at this point in time that is moving towards a commercial activity, so to speak.

MICHAEL JONES: Without -- Mr. Chairman, I will check with our Town Counsel, because my role is to help the Town with -- the Planning Board and Zoning with land issues, and this -- tax issues aren't the purview of this Board. It's relevant and I'm not criticizing it, but in order for me to speak intelligently, I have to talk to the Counsel that actually represents that faction of the Town.

JAMES MARTIN: All right. So this should be deferred to Mr. Stowe?

MICHAEL JONES: I will contact him and notify him.

JAMES MARTIN: Will you discuss that with him or leave that up to Mr. Lindsay and I or whatever?

MICHAEL JONES: I will contact him.

JAMES MARTIN: Okay. Thank you. So we'll address that question.

KAREN COX: I appreciate it.

DAVID CROSS: I guess only other comment when you come in April, it's hard to get a sense how big this is compared to the church, so when you come in with materials, as long as we can see the whole fixture, that would be great.

MR. LEPORE: The whole facility is 23,000 square feet. The new building is about 15 of that, so it -- it's a -- it's at least -- doubles it. Double it.

PAUL WANZENRIED: New building?

KAREN COX: Well, within the shell there.

MR. LEPORE: Yes. Certainly will.

PAUL WANZENRIED: It's all existing.

DAVID LINDSAY: Just one point in speaking with staff internally, Michael Jones here, it appears that they're going to require a Special Use Permit use approval for this application.

JAMES MARTIN: Yes. Please make a note of that. I was going to mention that, but thank you.

Anything else?

MR. LEPORE: Is -- a Special Use Permit application, can that run concurrent with the -- for next meeting? Can I submit that application for next meeting, as well?

JAMES MARTIN: Sure. We do hear them concurrently, yes. For sure.

MR. LEPORE: Okay. And just so you know, in regard to the legal piece about non-profit and, you know -- as we all know, non-profit entities still make money otherwise they wouldn't exist. They earn money. However, I -- because I'm not a lawyer, I'm not going to speak to the idea of profit, but I will say as I reflect the -- the -- the Counsel of the church that we're talking about here, New Hope Community Church, their heart is not to generate money for -- for greed.

Believe me, this building cost millions of dollars and to -- to run a sports complex is -- is by far not going to pay that off. Their heart is to benefit the community and the youth of the community and to reach lives for Jesus. I mean, I'm reflecting their heart as I have worked with them. Their heart is not to pillage and to -- and to take advantage of people for greed. I just wanted to bring that out.

We will be prepared, because we have already contacted lawyers, and we -- we understand there are legal issues that would surround -- you guys have to do your job and protect -- and protect the Town as a whole. So we'll be prepared. I just wanted to make that statement.

DECISION: The Planning Board thanked the applicant for appearing before the Chili Planning Board to discuss the aspects of a proposed soccer training facility. The Planning Board looks forward to a formal review of an application in April.

JAMES MARTIN: I appreciate it. Thank you. Anything else? If not, meeting is adjourned.

The 2/11/14 Planning Board minutes were approved.

The meeting ended at 9:26 p.m.