

CHILI PLANNING BOARD
May 14, 2013

A meeting of the Chili Planning Board was held on May 14, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: Richard Brongo, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael DiVito, Architectural Advisory Committee Representative; 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; Dick Schickler, Conservation Board Representative.

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Planning Board, and therefore, are subject to change.

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

JAMES MARTIN: As I noted on the agenda that many of you have, due to the fact that we have not received County Comments back on Item Number 3, we will not be hearing that tonight. We will be tabling that application eventually.

And Application Number 9 is the application of Roberts Wesleyan for subdivision. Again, we have not received County Comments back on that application, so therefore, we cannot proceed on that particular application. However, we will proceed on Item Number 8 which is the request for rezone.

OLD BUSINESS:

JAMES MARTIN: We have two applications and I will indicate at this time that when we previously heard the application concerning this particular project, we kept the Public Hearing open so that there will be opportunity for public comment on this tonight, even though it is not listed as a Public Hearing.

1. Application of CBL, LLC, owner; 2070 Lyell Avenue, Rochester, New York 14606 for special use permit to erect a retail tire supply store and minor motor vehicle service station at property located at 3209 and a portion of 3219 Chili Avenue in G.B. zone.
2. Application of CBL, LLC, owner; 2070 Lyell Avenue, Rochester, New York 14606 for preliminary site plan approval to erect a 52' x 90' retail tire supply store and minor motor vehicle service station, and 30' x 60' retail building at property located at 3209 and 3219 Chili Avenue in G.B. zone.

Robert Fitzgerald and Brody Smith were present to represent the applications.

MR. FITZGERALD: Good evening. My name is Rob Fitzgerald. I'm Project Engineer with Razak Associates here presenting the project. Again, we're back here for Old Business.

Since the meeting two months ago, we have been working to try to address some of the main issues. Really there are three large issues. One was to more comply with the Comprehensive Plan, which I'm going to turn over to Brody (Smith) after I take care of some of the engineering issues. There are the other two large issues. Subjects were to go in front of the Landscape Review Board and we have done that. They have since given this plan their blessing. Couple minor revisions.

The second one was to go in front of the Architectural Review Board, which we have done, and we have favorable results from them, as well.

For additions that we have made to the plan, we did pull the building up -- if I can approach the Board. This building here (indicating), which is to be occupied by Mavis Tire. We did actual pull that up towards the road, and in doing so, we eliminated any parking in front of that building. We did not go any further towards Chili Ave., the Kwik Fill. We -- we do have more front setback. It allows for more green space in front of the building and also kind of hides the parking towards the rear of the structure.

So main entryway will now be in the back of the structure. We also reconfigured this parking lot, just for -- to maximize the parking spaces as requested by Town Code. And one other thing I want to point out is that we had some comments by the Town Engineer, as well as Dave Lindsay, of possibly banking some parking. We do feel because -- as we have discussed previously, each bay, we need two parking spots, so that is 16 parking spots. Outside of that, we don't really feel that that is necessary for our client. Because we can't even count those as

parking slots. You really essentially have eight cars in there at once. So we would be -- up to the Board, but if the Board is willing to allow us to bank some parking, we could bank four parking spots back here and leave that green space for now. Gives us more greenery as well as gives us a permanent place to put the snow storage instead of losing those four spots during the winter.

I did get a chance to review the Town Engineer's letter. I did send him back a reply letter. I think we complied with a bulk of his comments. We didn't really have any issues with them. I could go through them one by one, or if you -- or if there are specific ones that may be still open.

JAMES MARTIN: I think some of the specific technical ones, Rob (Fitzgerald), would be good to go through. The ones you're just acknowledging, I think, are fairly straightforward.

MR. FITZGERALD: Sure.

JAMES MARTIN: But -- we'll just take a quick look here.

Um, Item Number 2, yes, it's a Zoning Board requirement on the front setback. That's a given.

MR. FITZGERALD: Yes. We would have to go in front of the Zoning Board of Appeals for front setback.

JAMES MARTIN: Item Number 3, I'm not exactly sure where we stand on that around the cross-access easement, to Town & Country Restaurant.

MR. FITZGERALD: And I did have a chance to speak with Dave Lindsay. There is one in place. I guess some of the verbiage needs to be looked at further, but, of course, my client is willing to work with Town Counsel to do what we need to to make the project move forward.

MICHAEL JONES: Mr. Chairman, I have been provided a copy of the easement late last week and some other documentation late this afternoon, so I'm in the process of reviewing it, and if we want to address it as conditions, whatever, but it is in place; they are recorded. But there are certain conditions we have to work through.

JAMES MARTIN: Okay. Thank you.

Drainage easement. Item Number 10, a drainage easement for the adjoining property. The status of that?

MR. FITZGERALD: Something we still have to work out. I do have that depicted on the plan. Hopefully the -- the property located to the south of us is owned by the Fire Department, and it is drainage improvements that we're kind of making and helping out their existing situation, so hopefully they will work with us and grant that easement. Of course, we'll draw up the description as well as provide the mapping.

JAMES MARTIN: Well, that is still an outstanding issue as far as the Town Engineer's letter goes.

MR. FITZGERALD: Yes.

JAMES MARTIN: Okay. I will go to the Board.

PAUL WANZENRIED: Um, is there any reason why we couldn't flop the storage and the service area to pull those bays towards the rear more, as opposed to being out there in the open?

MR. FITZGERALD: These here (indicating)?

PAUL WANZENRIED: Uh-huh.

MR. FITZGERALD: We did send this to Mavis for their review, and I think we were really keen on having the overhead doors actually facing Chili Ave. They didn't really like the fact that we were proposing to put them inside the building. This is kind of their rebuttal, if you will, so they get some of that exposure where people can kind of see what services they do provide. So that was a recommendation by Mavis Tire themselves.

PAUL WANZENRIED: And you're proposing snow storage up in the two left-hand and right-hand sides of the curb cut going into Chili Avenue, correct?

MR. FITZGERALD: I don't believe I have it depicted on the plan that way, but typically where there is green space, snow will probably get pushed, but we're looking at the bulk of the snow to be pushed down back to this back corner (indicating). Kind of a natural place for the plows to push everything.

PAUL WANZENRIED: Pursuant to the plan, it says "proposed snow storage," and you have it in the upper left hand -- yep. And across.

MR. FITZGERALD: And across (indicating).

PAUL WANZENRIED: So I don't -- I don't see those as good viable areas. I agree with your assessment that the snow should be pushed towards the rear. If snow piles up in there, it just becomes a sight issue, somebody coming out, certainly right there.

MR. FITZGERALD: Okay. It is something we can certainly take off the plan. Like I said, I do think it helps having that additional green space by a rain garden to push the snow that is at the lowest point so when it does melt, it is not melting on parking lot and possibly refreezing.

PAUL WANZENRIED: Do you know how many employees Mavis would have?

MR. FITZGERALD: Five. I couldn't recall.

PAUL WANZENRIED: Okay. And all other parking then would be for vehicles waiting to be serviced?

MR. FITZGERALD: Correct.

JAMES MARTIN: Or finished being serviced?

MR. FITZGERALD: Or finished being serviced.

PAUL WANZENRIED: Either way. Either way.

And both the -- let's call it the west entrance and the east entrance, if you will, both of those are ingress and egress?

MR. FITZGERALD: Correct.

PAUL WANZENRIED: Is the one on the west side, next -- to the west of the Kwik Fill, is that wide enough?

MR. FITZGERALD: Those are both existing driveways at this time. The -- they're at least 20 foot curb cuts.

PAUL WANZENRIED: But isn't 20 kind of for double-sided traffic? Is that -- it's -- is that tight?

MR. FITZGERALD: Let me take a look. I can't recall if it is exactly 20.

PAUL WANZENRIED: Per your plan, you're telling me it is 20. I didn't pace it off, so.

MR. FITZGERALD: Okay. You do see those wider. 24.

PAUL WANZENRIED: I thought 24, 26 was the standard.

MR. FITZGERALD: I think I mentioned before, a typical residential subdivision road is 20 feet wide. So that does allow for traffic in both directions. Just as a comparison.

PAUL WANZENRIED: I don't have any more questions, Jim (Martin).

JOHN HELLABY: To expand on what Paul (Wanzenried) was saying a minute ago, the 20 foot wide appears to be the distance between the front of the building, as well, correct? Does that give you enough turning radius to get a car into that doorway? Across the front.

MR. FITZGERALD: You're referring to here (indicating)?

PAUL WANZENRIED: Yes.

MR. FITZGERALD: That we do have as 24 feet.

JOHN HELLABY: Okay. You were provided a pretty extensive list from the Architectural Advisory Committee Board.

Have all those changes been made on that drawing? Because I have not seen these newest elevations.

MR. FITZGERALD: On this drawing, they have not. This was the older drawing.

JOHN HELLABY: So they're asking that this be changed on that.

Is it your intention to follow those?

MR. FITZGERALD: Certainly, yes.

JOHN HELLABY: Can you expand a little bit? It said something about a gooseneck lighting is to be added for sign illumination. I don't think I see any out front signs, correct? Does that go on the building?

MR. FITZGERALD: Yes.

JOHN HELLABY: So you don't have a back-lit sign. It is actually a fixture illuminating back onto the building.

MR. FITZGERALD: Facing onto the building, correct. Not a back-lit light.

JOHN HELLABY: That's all I got for now.

JOHN NOWICKI: Yes. I would like to know, has the Traffic and Safety Committee reviewed this from the standpoint of -- my concern is the truck movement, the large tractor-trailer trucks and the trucks -- you're indicating Number 14 here, coming in and out of this project here, to pick up storage and drop off storage and pick up refuse and things like that. For the size of these 20 foot roads and 24 foot roads, my concern is how are they going to get in and out of there. My concern is at the intersection, close to the restaurant where the light is, um, that traffic pattern is terrible now. And what are we going to do with this situation here? What is Traffic Safety Committee saying about this?

JAMES MARTIN: I don't know. There is no representative here tonight from the Traffic & Safety. I think from previous testimony they have looked at this plan.

JOHN NOWICKI: Who looked at it?

JAMES MARTIN: Traffic & Safety did take a look at it, but I can't remember the exact comments that they made at that time.

I would also recall -- I do not think your previous testimony that there will be tractor-trailers coming in there -- they're going to be basically box trucks.

JOHN NOWICKI: It is mentioned here in Number 14 -- I'm sorry, the -- "It is our understanding that tractor-trailer trucks and/or large panel trucks will be coming to this site on a regular basis to deliver new tires and take away the old tires."

So if we're talking those large trucks, I still have a major concern getting in and out of here, holding up and blocking traffic on Chili Avenue. I want to hear something from the Traffic & Safety Committee.

MR. FITZGERALD: Again, we're not proposing tractor-trailers on the site. I don't know if that was discussion that got brought up. If it was, we're not looking at that option. It would just be box trucks.

JOHN NOWICKI: That was a concern. The other one I have, how are we going to be protected from the standpoint of storing trash inside this building, so there is nothing on the outside of these buildings? Because I assume you take out -- the proposed building for take-out service, that doesn't have any outside storage either, does it? Does it have a dumpster someplace?

MR. FITZGERALD: It would be internal.

JOHN NOWICKI: That's internal, too.

MR. FITZGERALD: Yes.

JOHN NOWICKI: How will we protect ourselves that this is constantly monitored somehow, some way, that we don't have trash hanging all over place here?

MR. FITZGERALD: I'm sorry, Mr. Nowicki, are you referring to the smaller building?

JOHN NOWICKI: Both buildings.

MR. FITZGERALD: The largest building by Mavis Tire, will -- everything will be

internal. They come twice a week to dispose of that, and we would probably have a tote for the smaller 1800 square foot building.

JOHN NOWICKI: Inside or outside?

MR. FITZGERALD: It would be outside.

JOHN NOWICKI: Well, I would want to see that on the drawings and know where we would have this stuff. Again, my concern is the -- the solid waste that we have to deal with here. And again, picking up, when you have got trucks coming in to pick up the waste, it is still more truck traffic. My concern is the truck traffic that is going to impact that intersection.

JAMES MARTIN: You will have totes external to the 30 by 60 foot building?

MR. FITZGERALD: Yes. What I propose off cuff is we would tuck those behind the building, and I can do an enclosure for them, as well. Like a white picket or something that will match with the external facade.

JOHN NOWICKI: That's all I have for now.

JAMES MARTIN: I share your concern about traffic impact. So hopefully, you know -- as I said, in previous testimony there were no tractor-trailers going in and out of there, but with the small panel trucks -- the trucks I see delivering tires are usually oversized pickup trucks or something of that nature. It is a concern, John (Nowicki). It --

JOHN NOWICKI: It is a major concern. Thank you. That's all I have for now.

DAVID CROSS: I would just like to say this is the second or third iteration of this site plan and I think it is greatly improved, come a long way. I'm glad to hear you're going to incorporate the Architectural Review comments. I think they are excellent. I haven't heard any Conservation Board comments, but I'm expecting we will hear them, and I would like to know that you have addressed those also.

I read through the Town Engineer comments and it sounds like you're able to acknowledge those, meet those or exceed them, so that's all I have.

MR. FITZGERALD: I could -- it is probably a good time to touch a little further on the Conservation comments.

We are proposing a row of Arborvitae here (indicating). We had 16 of one species. It was requested that we change those instead of being 5 feet on center, make them 4 feet on center and change the species so they're salt and deer resistant and/or tolerant.

Another comment they brought up the issue where is snow going? They didn't want to see it placed on the rain garden, possibly crushing the proposed vegetation. So I think again opening up this green area (indicating) does help with that.

And the third one, too, which I think they have run into some issues on other projects is they want -- before C of O is issued, they want to walk the site with a landscape architect to insure that everything was installed as per your approved plan. So we have added that note on the plan, as well.

With that, the other big comment was, is -- I know Mr. Schickler had some concerns with the rain gardens. They don't have a long history, I guess, of being in place. They tend to work well when there is lot of rainwater, if you will, in the spring and the fall. The concern is what happens in, you know, our short summers, but they tend to be dry for six weeks and don't get the water and stuff tends to die out. That is kind of a maintenance issue. Just, you know, you have to water these things and keep them alive.

JAMES MARTIN: Anything else?

RICHARD BRONGO: I have nothing.

JAMES MARTIN: Anything else from the Board?

MICHAEL JONES: Nothing beyond what they already talked about.

JAMES MARTIN: Basically, Michael Hanscom, the response letter addressed most of your concerns. There is still a couple of outstanding, but there is no additional comments at this time?

MIKE HANSCOM: Not at this time, no.

DICK SCHICKLER: Landscaping is fine. We approved the landscape plans, and the thing that I'm not sure about is the rain garden, as the gentleman talked about, how we're going to handle that.

MR. DI VITO: There are no comments at this time.

JAMES MARTIN: We have your report.

MR. DI VITO: I'm sorry?

JAMES MARTIN: We have your report, the analysis.

MR. DI VITO: No additional comments.

JAMES MARTIN: The applicant has agreed to, you know, comply with your recommendations and that's going to be in the record that the applicant has agreed if this goes forward to comply with those.

MR. FITZGERALD: Mr. Chairman, I believe Brody (Smith) wanted to discuss the Comprehensive Plan, if he could, a little bit at this time.

JAMES MARTIN: Go ahead.

MR. SMITH: Thank you, Mr. Chairman. My name is Brody Smith. I'm an attorney at Bond, Schoeneck & King, and we represent the applicant CBL with regard to, um, this application. I just wanted -- I don't want to start from the beginning.

As you may recall, I provided a letter on March 12th, two meetings ago where I went through a lot of these things, but just briefly, I wanted to react to just a couple comments and maybe provide a little bit more insight from the applicant's point of view on the comments that we heard tonight.

First with regard to the bays, the orientation of the bays, as you know, we have changed them a couple times to try to comply with the suggestions of the Board. Initially, they were oriented directly towards Chili Avenue and then they were oriented exactly in the opposite direction they are now. And the third iteration to adjust for some of those comments now has them oriented to the west.

I think that it is consistent with other development in the immediate area where you see bays actually facing the road much more directly. This is actually a little bit less intrusive than you see in the rest of the area.

Just within several hundred yards you see the Town Fire Department has bays directly facing the road. There is the Valvoline. There is Verns A-tech Auto Repair and Niagara Car Wash all have similar bays, four or more, facing the road more than these are. I wouldn't say it is out of character with the development or aesthetics of the area. It is actually less, you know -- less intrusive than similar uses in the area.

Also, with regard to -- to -- to that, um -- and sort of in connection with that, the -- the initial modifications of the orientation of the building to try to push it further, closer to the road, not have parking up front to comply with the Comprehensive Plan was -- was done in response to comments from this Board and in good faith to try to make the best plan that we could.

That being said, I have done some additional research following questions that were raised by the Board at the meeting two months ago, and -- and those questions came from the idea that there was an additional Comprehensive Plan in the works, or that, you know -- that the Board should reserve decision on certain items until that plan is -- is finalized.

I can't find any authority for a Board to -- to wait for -- for a plan that may or may not come. In addition, New York Courts have been very clear where there is zoning regulations, the Comprehensive Plan can't, um, change or vary the requirements. And by virtue of a special permit specifically being allowed in a certain area, I'm directly quoting here from -- in the matter of Old Court International v. Gulotta, "In finding that the addition of another automobile service station to the area would be unbearable, the Town Board appears to conclude that the proposed use did not fit under the Comprehensive Plan for community development or the Master General Zoning Plan for the area.

A basic rule of law with respect to an application for a special permit is that the classification of a particular use is a permitted use in a particular district subject to the granting of a special permit constitutes a legislative finding that the use is in harmony with the general zoning plan and will not adversely affect the neighborhood."

What it means is when the Legislature said that a special permit is a permitted use in a specific area, it was -- it was stating that that use, so long as the impacts of that use do not exceed the impacts which you would expect to see from other uses that don't require special permit, so long as that use is -- is -- has a special permit designation, it is automatically but from the point of view of a legislative finding, something that is in harmony with the Comprehensive Plan.

So bringing that back to this case, because we have it stated in the GB, General Business District regulation at 500-19 that a minor repair motor vehicle service station is something that can be done with a special permit, the Town Board has stated that it's in harmony with the Comprehensive Plan.

So then the -- the -- what we would ask is that the Board's review, um, be focused on the factors that are set forth in the special permit regulations, and -- where you look -- where you look at the impacts and determine whether the impacts are similar to those that you would expect from the other issues that are permitted in this district without the special use permit. And those are things like offices, grocery stores, barber shops, restaurants, a variety store, delicatessens, pizza shops, new auto parts stores, so on and so forth, and we would contend that they are.

In terms of the amount of traffic, and the amount of, you know, lighting and all those sort of objective factors, it's not dissimilar to what you would expect from the other businesses in the area that don't require a special permit.

Therefore, we respectfully submit that a special permit would be, um, appropriate in this case pursuant to, you know, all of the cases I cited two months ago, that North Shore Steak House case, the CB -- the CBH case, the Sullivan case so on and so forth.

I'm available for any questions if there are any questions on that.

JAMES MARTIN: Seeing none, I guess there aren't any questions.

MR. SMITH: Thank you. I appreciate the opportunity to comment.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KENNETH KELLER

MR. KELLER: Kenneth Keller. I represent the owners of the neighboring property at 3205 Chili Avenue. That's the T & C Restaurant.

Um, I have a couple of questions about the access easement, and I'm -- I'm unsure about what this drawing shows. Maybe you can clarify it -- is it the applicant's intent to exercise the access easement?

JAMES MARTIN: That -- that issue was brought up before. Mike Jones, would you like to chime in at this point and discuss this or not discuss this any further until you have had your chance to really evaluate what the -- what the old paperwork says about these easements?

MICHAEL JONES: Can I get the speaker's name again?

MR. KELLER: Kenneth Keller.

MICHAEL JONES: Mr. Chairman, as I said, I only received some of the documentation I

requested this afternoon, so I haven't had a full, fair opportunity to review all of the related documents that go along with the access easement. Um, so I'm just going to reserve my opinion for the time being. I don't want to speak for the applicant with respect to what their intent is, and if they would like to answer the question, they may, but public comment doesn't require them.

JAMES MARTIN: Mr. Keller, I think at this point, that cross-access easement is still under evaluation from the standpoint of our Town Attorney. To answer your question, where you see that space between the landscaping at the road and the -- that would be the proposed cross access area if and when all of the legal issues are resolved.

MR. KELLER: All right. Is it the applicant's intent then to close this curb cut?

JAMES MARTIN: No.

MR. KELLER: It's not?

JAMES MARTIN: To my knowledge, the answer is no.

Right, Mr. Fitzgerald?

MR. FITZGERALD: Correct.

JAMES MARTIN: That -- that access will exist.

DAVID LINDSAY: Mr. Chairman, I think the intent is if the cross-access easement goes through, that that curb cut would go away.

MICHAEL JONES: The easement of record envisions the three properties, 3193, 3205 and 3209 to share single access at the light and that would reduce the number of curb cuts, the number of points of conflict on Chili Ave. and would be preferred by I think any engineer studying it. So that would be the preferred outcome here.

Whether or not that can happen immediately or a trigger has to happen in the future, that is where I think we see this ultimately going. So whether it happens now or down the road, that's what we're going to see happen from the Town standpoint.

MR. KELLER: It's a requirement.

JAMES MARTIN: At the present time it's going to remain in place. If the cross access easements come to be, then the intent would be to have all of the traffic funneled to that traffic signal in front of the restaurant. That was the intent years ago, all right, to have that happen.

MR. KELLER: Actually, it's a requirement of the easement that that the curb cut be closed. The reason I raise those two questions is because the issue of traffic and safety has been raised, and I would ask the Board and the Traffic Safety Committee to consider the impact on traffic and safety were this curb cut closed.

We're talking about large trucks coming into essentially a driveway here (indicating) where the stoplight is. It's not shown on here. They would have to come in, make this turn, then make this turn (indicating).

In addition, the easement, the purpose of the easement, in fact, the investing of the easement to the executory grantee, um, was for the purpose of creating a shopping center type parking lot. And as I view this drawing, there is no parking up here (indicating). The use of the access easement eliminates three or four parking spaces for 3205 Chili Avenue.

At the time the easement, the access easement was negotiated with -- between the Town, I talked with Kevin O'Toole, what we envisioned or what was envisioned by the creation of the easement was a shopping center style parking arrangement where customers of both businesses would come in. In fact, the easement requires that the applicant, in this case, grant an easement to the neighboring property for parking. Well, that doesn't accomplish anything if all of the parking is at the rear of the building. So I want to bring that to the Board's attention.

Um, lastly, if -- it's not shown here, of course, because it's not the subject property, but in this area here (indicating), at the restaurant property, there is a significant amount of parking. And if this space is used for the storage of cars waiting to be worked on or waiting to be picked up or cars that are brought in on flatbed or a tow truck, I would suggest respectfully that there be some kind of berm or Arborvitae row or something to block this parking lot from this property (indicating).

However, that is a minor issue.

My major concern is the traffic and safety pattern. If this curb cut is closed. And for the access easement to vest, and the applicant, it has to close, which will require DOT to study the traffic and safety pattern that would result.

JAMES MARTIN: Might want to note -- I don't know exactly where the landscaping is along -- between those two parking lots, but is there adequate screening between the two? Or is it just grass?

MR. FITZGERALD: It's just grass. We could look at it further. We're kind of screening parking from parking, so I'm not -- that didn't mean we couldn't put some additional shrubs in there. We could look into it. This is a tire replacement. It is not, you know, cars that are broken down. So it's not flatbeds.

JAMES MARTIN: Right. Duly noted --

MR. FITZGERALD: May be mutual benefit.

JAMES MARTIN: -- as far as your suggestion goes and we'll have the applicant, if this were to go forward, look at that particular provision.

Thank you.

MR. KELLER: Thank you.

MS. BORGUS, 31 Stuart Road

MS. BORGUS: I'm hearing some very confusing language out here in the audience. I'm -- I'm hearing that there is an easement in place, but there are issues to be worked out. And now

hearing Mr. Keller's comments, I don't know how much faith that this Board can put in this easement. It sounds to me like it's going -- it was -- it was agreed to and drawn up and in a whole different time, and it sounds like there is a lot of areas that don't mesh with this plan, don't mesh with what is in Chili Center right now. And maybe it's not worth anything. I don't know about -- this Board better be careful here.

Um, you can't have an easement but not have an easement. Can't be half pregnant.

How close is that proposed building to the property line to the west? On the -- to the restaurant?

JAMES MARTIN: To the west?

MS. BORGUS: I'm sorry, to the east. To the -- to the restaurant's line, how far is the building from the property line? And I realize there is a jog there, but let's assume that it didn't there, how far would that be?

JOHN HELLABY: Shows 1 foot on the drawing.

MS. BORGUS: 1 foot. Isn't there room there for them to have some landscaping along there? Why should -- why should the building be right up against another person's property without any landscaping? We're worried about landscaping everywhere else. How about where it is most needed, which is to protect the adjoining property. We need some landscaping there. Not only, as Mr. Keller pointed out along the back, but you need some along the building. We just got too much building here for the -- for the size of the piece of property we're trying to work with.

Um, I also would like to hear from Traffic & Safety. I have a hard time comprehending that they haven't had comments about this traffic pattern. This is a -- this is a -- this is a nightmare. I can't believe that they don't have some thoughts on this. Some of them I would think would be pretty negative.

Um, the -- the other issue that I -- that I would agree with, that has been brought up, is the width of the driveways. 20 feet may be sufficient for a residential area, as has been brought up by the applicant, but we're not talking about a residential area.

We're talking about business. And I don't know how two -- two cars coming from opposing directions are going to be able to pass on -- on that existing width driveway.

As far as the turning goes in there, it is -- it is -- it is going to be tight. I mean anybody can see it. And all I can think of, when I hear people say, "Oh, it's fine. It's fine. We got turning radiuses," I still remember the day that the Planning Board in this Town approved the, um -- the turning radius at the -- what is now a 24-hour store at the corner of Union and Chili. Every time I see a tractor-trailer in there trying to unload gas and I see the cars trying to get around the trucks and I see the -- the -- they're backing up and pulling ahead, they're jockeying around, that is completely unsatisfactory. And it sounds like this -- we're hearing this all over again.

It has got to be more than wishful thinking that there is a turning radius that is big enough. It is all well and good enough to say it, but saying it doesn't make it so. If this is going to be a practical working arrangement, we have to make sure we have room to turn. I still don't -- I'm not convinced that you haven't heard the whole story on what size trucks are going to be coming in and out of here for delivery and pickups. All well and good to say, "Oh, they will only be box trucks."

What are you going to do as a Board and what is this Town going to do as a Town when they turn out to be bigger trucks? You have given the store away by that time. Be sure of what you're doing here.

I think you're damaging the -- the restaurant's business. I think you're damaging their parking. You're certainly going to take their -- their driveway away in the front. You're going to eliminate parking spaces. You're putting an awful burden on them. This piece of property could be used for something much smaller and it would be workable. This is just too much.

Thank you.

James Martin made a motion to close the Public Hearing and John Hellaby seconded it.

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

MR. SMITH: If it would be helpful to the Board, I would just like to have a brief response to a couple of the comments made in the Public Hearing.

Um, first there was a -- the -- the argument was made there was too much building for the site. You will see that no variance is required for coverage. The coverage requirement under the code is 30 percent and there is only 25 percent coverage in the plan.

As for the turning radius, there was some discussion back and forth about the width of the aisle between the building, and the side there. It is actually 26 feet, if you look closely on -- on the drawing. I think it -- first one says 20 and 21. It's actually 26 feet, so it's pretty wide. I think that that should be more than adequate for turning radius, especially when considering it was pointed out earlier by the engineer that 20 feet is standard for your standard residential road that we're all familiar with.

There is no side yard setback requirement for this zoning, so that it should not be a concern how the -- the building is to the side border of the property.

It has been pointed out by multiple individuals that there is no parking in front of the building. Well, that -- that has been the expressed desire of the majority of the stakeholders of the Town and in general that -- that the building not have a large parking lot in front of it to -- to conform with, you know, sort of the aspirational goals of the Comprehensive Plan. So we have

tried very hard to comply with that.

The first two plans did have some parking in front, but I think that this plan conforms to the desires of the Board.

And finally with -- with regard to the cross-access easement, um, we would contend that the plan is workable either way. If for whatever reason, you know, the easement can't go forward -- I haven't -- I honestly have not had a chance to study the issues that were raised by Mr. Keller, and I will going forward, but in any event, if -- if he is right and that easement can't go forward, there is -- there is a perfectly acceptable alternative. That curb cut is a lot wider than the 20 foot curb cut further down the road. It is more than adequate to deal with the traffic from a safety point of view. And that curb is existing; it has always been there. There is no new or heightened traffic or public safety concern. That curb cut has existed for quite some time. The building is vacant now, but that curb cut was contemplated not for a vacant building when it was originally approved but for the commercial development being present there.

So -- so at worst, we end up with the status quo. At best, and we would make every effort possible to do so, if the cross -- if the cross-access easement can be negotiated and be something beneficial for both businesses, then we just reduced a curb cut on Chili Avenue, and any engineer would tell you that that is a desirable thing, too.

So I would -- I would concede that this -- this -- this cross-access easement issue, as far as your approval is a bit of a red herring, because the plan is perfectly workable either way, and, you know, we would try for the best, but if we -- if we don't, then we end up with the status quo which is not so bad either.

And finally with regard to the trucks, I -- I don't know where the tractor-trailer, um, specter was raised, but the -- but the kind of trucks that will -- will service this -- this -- this Mavis Tire Store are the big box trucks, like you said, the oversized, um, pickup trucks. There is no need for a tractor-trailer in this sort of business. And I wouldn't think that, you know -- to my -- we don't precisely -- I can't say precisely the type of trucks we would need for the catering business, but I can't imagine you would have tractor-trailer trucks for this sort of small catering business either. And after all, there are two driveways. There is more than enough ways to get at this, even if we did have those trucks, which I don't think we will. So I'll stop there.

JOHN NOWICKI: I would like to, again, the cross-access agreement, if that is something that is not going to happen, and because of that intersection where the light is, the only way I can see this traffic pattern -- again, the Traffic Safety Committee or somebody has to look at it, that this 20 foot road coming through here and going out 26 becomes a one-way street. One way in and one way out. I don't like it. That's it. That's my suggestion.

And I would hope you would consider that, if that access agreement doesn't work, that's maybe the only way this thing can fly. And again, I will wait until I hear from the Traffic & Safety or whatever.

JAMES MARTIN: David Lindsay, any comment on that?

DAVID LINDSAY: The plan was discussed at Traffic & Safety, both this version and the previous versions. The concerns that were raised about the previous version had to do with the one-way entrance on the east side of the building. The current version I think maybe had no -- no serious objections to the traffic flow that was displayed here.

JOHN HELLABY: Michael (Jones) can jump in here any time he wishes, but under Section 500-29 which refers to special use permits, um, it says, "The basis for deliberation, general provision, before issuing a special use permit, the authorized Board shall take into consideration the public's health, safety and welfare and shall sure itself of the following:"

There was an entire gamut of stuff in here. Some of the things I can point out, though, is "conforms to Town Planning. The proposed use or structure shall be located and designed that it is compatible in size and character to the existing patterns of development and land use and/or is consistent with the long-term development objectives for the effected portions of the Town."

And that also speaks to the nature of noise, directly related to neighbors, and I do believe this operation will be somewhat noisy.

Public safety as far as hazardous operation, whether it is cutting torches and other things working on these automobiles. I just want to point these things out.

I realize the attorney makes a good point, but there is -- but there is still a lot of conditions in here that I think we need to take into consideration.

JAMES MARTIN: Any response?

MICHAEL JONES: No. He is just pointing out from the statute, and that is correct. I think Counsel also did correctly point out the legal standard is that when we have a special use permit situation, there is a legislative finding that the use is consistent with the zoning, not necessarily the Comprehensive Plan, but the zoning. And the Board is required to look to see if there is any special impacts beyond what we would expect that can't be mitigated or would be too much for the neighborhood. And then the statute that is being called upon, I think, is helping the Board work through that process.

So as you look at the statute, it identifies some of the issues that you might want to pay attention to.

JAMES MARTIN: Thank you.

PAUL WANZENRIED: If the curb cut goes away, what becomes of that area? Just green space? Are there plantings in it? What -- what is it?

JAMES MARTIN: Well, based on what I see on the plan, there would be some provision for additional landscaping along there if the curb cut were to go away, but you still need the roadway that would come in across that easement, so you -- yeah, there could be some additional

landscaping, Paul (Wanzenried), but I just -- but I'm just speculating as to how much would be available.

PAUL WANZENRIED: Is there any reason why in previous iterations, we had a 24 foot wide aisle in front of the bays? You have a 26 foot wide aisle. Can that be reduced to 24 or can the whole enchilada shift to the west to allow perhaps for some landscaping to the east between 3205 and this property?

MR. FITZGERALD: Could it, yes, it could. It was one of the things that that turn was too tight, so we had widened it to 26 to alleviate some of the larger trucks, if you will, full size pick-ups.

With that, too, we don't want to take away too much of the space on the west side of the driveway because we want a buffer quite frankly between us and the back side of that Kwik Fill. You know, our building will look much nicer than that building, so we really don't want our clientele to look at that, so we don't want to lose that buffer completely. You're doing the balancing act. Enough green space, enough asphalt for a turning radius.

PAUL WANZENRIED: You show a utility pole up in the northeast corner behind the building to the rear of the building. Is that being removed?

MR. FITZGERALD: I would have to double check, but the intent would be to, if we can provide -- a standard, you know, upgrading sites, if you will, is to provide underground utilities. You know, come down a conduit at a street pole.

PAUL WANZENRIED: Right. I understand.

MR. FITZGERALD: I will make note of that, though.

PAUL WANZENRIED: Thank you.

JAMES MARTIN: Looking at the east side of the building, and again, I don't know -- I drive down there quite often for breakfast on Sunday -- I don't know how much room actually exists on the restaurant -- the west property line of the restaurant itself, how much space is between the property lines at that point and their driveway, which comes down to their rear parking. I'm just wondering if the applicant could work somehow with the -- the adjoining property to see if there is some additional landscaping that could be incorporated in whatever green space exists between the two properties to enhance that as far as the back side of that building, the east side of that building. I have written that in, you know, if this goes through, as a potential condition that, you know, work with -- with the Conservation Board and the adjoining property owner to see what could be done to enhance that.

MR. FITZGERALD: Okay.

JAMES MARTIN: So there may be space in there. You know, the 1 foot may be more than 1 foot, okay, when it comes right down to the total spaces in there.

MR. FITZGERALD: If I could point out, too, this is the side of this building that is facing Town & Country. It's a pretty nice building. We have the hip roof, some reverse gables. We have large blocks of windows. We have a nice knee wall, so it's not a CMU building. It has some nice architectural features to it. But maybe in between the windows we could come up with something additional.

JAMES MARTIN: Before we go any further, we'll make our motion to declare ourselves lead agency as to SEQR.

On the special use permit, 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 6 yes to 1 no (Nowicki) on the motion.

JAMES MARTIN: I should have said that up front, but that applied to the special use permit.

Now we'll do a SEQR determination on the site plan.

On the site plan, James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact. The Board voted 3 yes to 3 no (Paul Wanzenried, John Hellaby and John Nowicki) on the motion.

JAMES MARTIN: So we have a tie. So we do not have a SEQR determination on that, Michael (Jones)?

MICHAEL JONES: Do we have different results for the SEQR determination with respect to the special use and for the site plan? Say it again.

I was just asking, Mr. Chairman, did we get a different vote result for the SEQR determination with respect to the special use as compared to the site plan?

JAMES MARTIN: A special use was 5 to 1 approval for the special use permit. The site plan was basically 3 no and 3 yes, on the SEQR determination.

MICHAEL JONES: Well, you can't move forward then with the site plan at this point.

JAMES MARTIN: I guess at this point since we're not able to move forward with the site plan, um, granting a special use permit would be essentially --

MICHAEL JONES: Mr. Chairman, could I suggest perhaps we adjourn to a time we have all seven members here and perhaps we could get a vote one way or the other and -- and maybe with the applicant's consent adjourn to the next meeting if we have all seven members here, or do you have a different suggestion?

MR. SMITH: Well, I don't think any other involved agencies have been identified.

MICHAEL JONES: No, there is not.

MR. SMITH: No other involved agencies identified, I think this Board by default is the lead agency. I mean, it is something if they want to vote against it, but I don't know if that is the proper pressure point to not be the lead agency. I would think that would be actionable.

MICHAEL JONES: Mr. Chairman, just for my edification, did the resolution not only declare the Board's intent to act as lead agent but also determination of non-significance?

JAMES MARTIN: I didn't hear your whole question, Michael (Jones).

MICHAEL JONES: I'm sorry. It is on. My question --

MR. SMITH: My question is -- I'm sorry to interrupt. My suggestion, would it be helpful to go into Executive Session to get legal advice on this subject?

MICHAEL JONES: Let me just ask the question, Mr. Chairman. The resolution that the Board voted on was not only determination of lead agency but did you also make a determination -- was the motion also to make a determination of non-significance?

JAMES MARTIN: I will reread what I said.

I said, "I make a motion to declare ourselves lead agency," so we declared ourself lead agency. "As to SEQR, based on information and evidence presented at this hearing, we find this application to be an unlisted action and of no significant environmental impact."

MICHAEL JONES: Correct. Okay.

And you need that, the majority of the Board in order to proceed with respect to -- to both matters. We have that for the special use, but you don't have that for preliminary site plan. So you -- so my advice is you can't proceed on the site plan tonight. It's not a denial, but it's not -- but it's not a determination, because you didn't get a majority of the Board voting in one direction or the other.

JAMES MARTIN: Right.

MR. SMITH: So if I am to understand correctly, there has been a declaration of lead agency but not a declaration of significance?

MICHAEL JONES: No. No. No. With respect to the special use permit, um, and again, I agree with Counsel, the agency doesn't matter. I don't think that is a relevant issue, its intention here.

Determination of non-significance for the special use permit, and you can proceed on that application because you made that determination. You have not made that determination with respect to the site plan, so you may not proceed.

I mean, it ends there until you have a determination one way or the other. So you cannot proceed with that. The applicant wants you to make -- you know, go forward with the special use permit, I suppose you may do that. You're not restricted. But I don't know if -- that it does them any good without having site plan. And you can't do anything further on site plan without a full Board, so you couldn't have a vote one way or another.

JAMES MARTIN: I understood. So does the applicant -- we could move forward and vote on the special use permit, since we do have a SEQR determination, or basically, um, we can table both applications at this time again and wait until we have a full Board and vote at that time on the site plan SEQR determination, and then also conduct a formal -- formal vote on the special use permit.

MR. SMITH: We would request that we go forward with the special use permit aspect of it, and then wait for the next meeting when the -- as your Counsel suggested, when there is a full Board to have a further SEQR resolution on the -- on the site plan.

JAMES MARTIN: Okay. On the special use permit, um, basically there are some conditions, particularly copies of all easements associated with the project need to be provided to the Assistant Town Counsel for approval with the County.

Certainly there is an issue that the -- that is pending approval of the Zoning Board of Appeals is required. They require a variance.

Those are two that I think are pertinent to the special use permit. The rest of the conditions that I would have read at this point in time are specific to the site plan itself. So.

PAUL WANZENRIED: They --

JAMES MARTIN: As far as the timeline goes, um, were this to go forward, um, once the facility is constructed, you know, there is -- that is it. It becomes permanent at that point in time. So there is -- to me, there is no significant timeline issue right now. As far as this project goes, if it gets built, it becomes permanent or it goes with the property.

So --

JOHN NOWICKI: The question I would have here, is it -- is if this Board goes ahead and approves the special use permit, isn't that going to have some kind of an impact sort of nullifying this Board's attempt to get a decent site plan in because there is a lot of issues here that we discussed tonight that would impact this project, and I think just voting on the special use permit, and to be -- if it was granted, I think that is going to impact -- it's a negative thing for this Board.

PAUL WANZENRIED: I would agree. The conditions that you read are somewhat site plan in nature. So --

JAMES MARTIN: They cross over. There is no question about that.

PAUL WANZENRIED: So how can I -- I don't have the answer to one, how can I vote for the other?

JAMES MARTIN: I think what I'm hearing from the Board is a preference that we table the special use permit, all right, at this point. And then at -- at the future meeting when we have a full Board and can make a final determination on SEQR, whether it's a go or no go, we would

vote on both issues that night. I think that is what I am hearing from the Board.

JOHN NOWICKI: Absolutely.

JAMES MARTIN: So I would make a motion at this time that -- on the special use permit application, that we table that pending a future meeting.

The Board was unanimously in favor by a vote of 6 yes to table the application.

JAMES MARTIN: Michael Jones, as far as the site plan, nothing we can do at this point. There is no SEQR determination, so to table it would be irrelevant?

MICHAEL JONES: It -- I think by operation of law, it's automatically tabled. I don't think you need to make a vote to table. It's a non-action. You can't go forward, Mr. Chairman.

JAMES MARTIN: All right.

DECISION: At the Planning Board meeting held on May 14, 2013, a Public Hearing on the above-described applications was continued from the March 12, 2013 meeting.

Upon the completion of the Public Hearing and discussion by the Board, a SEQR determination vote was held. The vote on the special use permit application was 5 yes to 1 no (John Nowicki) approving a negative declaration as to environmental impact. The SEQR determination vote on the preliminary site plan was 3 yes to 3 no (Paul Wanzenried, John Hellaby and John Nowicki) on approving a negative declaration. Therefore, no SEQR determination could be made.

The Planning Board was not able to move forward due to the lack of a SEQR determination. Subsequently, by motion and unanimous vote of 6 yes, both applications were tabled to a future meeting date to be determined.

PUBLIC HEARINGS:

JAMES MARTIN: Under the Public Hearing portion of the agenda, we have several applications before us. Again, in the interest of moving along through the agenda certainly anybody during the Public Hearing portion has a right to be heard; however, if somebody has already stood up and talked about the particular issue that you may have wanted to discuss, I am not going to ask people to not, you know, become redundant from the standpoint of a particular part of the Public Hearing, but if you feel that it's been adequately addressed by a previous speaker, in appreciation of time tonight, don't feel you want to add anything to it, I think it would be appreciated.

1. Application of Turkish Society of Rochester, 677 Beahan Road, Rochester, New York 14624 for renewal of special use permit to erect a mosque and religious school at property located at 673 Beahan Road in RA-10 zone.

Mesut Vardar was present to represent the application.

MR. VARDAR: Good evening. I'm Mesut Vardar. Turkish Society of Rochester. At this point, Mr. Chairman, there is no change of use. It is moving it forward as was originally planned and discussed. As a matter of fact, I spoke with our architect this morning. The Building Inspector had requested a couple of changes, Mechanical Engineer was working on that.

As of today she had completed it -- we were told at least, and hopefully by next week we should be able to commence.

JAMES MARTIN: Okay. I was by there the other day. It looks like your construction is progressing.

MR. WEBBY: Yes. As far as the grading and the retaining ponds and so on and so forth, that initial work, yes.

JAMES MARTIN: And special use permit basically applies to the religious school?

MR. VARDAR: Correct. That really hasn't been put much into use mainly because we didn't want, you know, too much going on, specially with construction. So there really is no change as of yet with that either. And again, this -- for this evening, it is really more on that than anything else. So as far as that goes, there is no changes of yet either.

JAMES MARTIN: I went back and looked at the record. That is what the special use permit was granted for.

MR. VARDAR: Correct. Correct.

JOHN NOWICKI: Did you say the construction was progressing?

MR. VARDAR: The construction itself has not started. The -- the infrastructure as far as the ground work, the leveling, the soil work and so on and so forth, all of that has mostly been done, and now getting the permit this week for the actual building itself is -- is where we are.

JOHN NOWICKI: You want the permit?

MR. VARDAR: Correct. Well, partly the weather, as well. We didn't want to commence right in the middle. I know it's been good, but -- (Laughter.)

DAVID CROSS: This is a renewal of a special use permit.

JAMES MARTIN: A renewal of the special use permit for a religious school.

DAVID CROSS: Have there been any complaints, David (Lindsay)?

DAVID LINDSAY: No. We had no complaints.

DAVID CROSS: Only question I had.

JAMES MARTIN: We temporarily lost our Town Attorney.

David (Lindsay), any issues?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: I do have one question.

How much of that dirt pile you have back there is -- will have to be removed from that site?

MR. WEBBY: That's a great question. We were looking into that a couple weeks ago as well and spoke with our site engineers, and I believe they are going to be able to maneuver it in a way that it's not going to impact anything as far as overflow of, you know, any water issues or whatnot. Part of it, I think, will be completely trucked out, and the rest will be leveled out so it -- it will not stay the way it is.

JOHN HELLABY: I figured that, but you will be -- you know, cognizant of your neighbors around there as far as time, trucking.

MR. WEBBY: Oh, absolutely. Absolutely. It goes without saying. Absolutely.

JAMES MARTIN: Again, for the record, um, Fire Marshal has -- the permits are current. There is no comments.

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: Last time on this, I think we gave you one year. I think you were here in like June of last year or something like that and you got the special use permit at this time. As far as timeline goes, I mean -- there is no significant changes proposed. Five years? I don't know.

JOHN NOWICKI: We have construction going on. Maybe a couple years.

JAMES MARTIN: That doesn't have anything to do with that, John (Nowicki).

MR. WEBBY: That's totally separate.

JAMES MARTIN: Right. This is totally separate. This is just a religious school.

JOHN HELLABY: I have no problem with five years.

PAUL WANZENRIED: Five years.

JAMES MARTIN: Okay. We'll give you five years this time.

All conditions that were previously imposed by the Board that are still pertinent to this application remain in effect.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Approved for a period of five years.
2. All conditions previously imposed by this Board that are still relevant to this application remain in effect.
2. Application of P. Tool & Die, owner; c/o Thomas Allen, 215 Hinkleyville Road, Spencerport, New York 14559 for preliminary subdivision approval of two lots into two lots to be known as P. Tool & Die Co., Inc. Subdivision at properties located at 3535 & 3513 Union Street in G.I. zone.

Robert Avery was present to represent the application.

MR. ROBERT AVERY: Robert Avery, land surveyor with the Razak Associates. I'm here with Tom Allen from P Tool & Die.

The application before you concerns two existing parcels located on the west side of Union Street between West Shore Railroad and the main line.

The parcel that P Tool & Die's existing facility sits on is a 10 1/2 acre parcel. It's basically L-shaped, taking up all of the frontage on Union Street, going behind the film storage facility for the Eastman House.

Behind that is a 19.3 acre landlocked parcel with no frontage on any public highway whatsoever.

How did it get this way? Well, based on just a review historically of the abstract, this piece (indicating) actually went with a parcel that fronted down on Davis Road. I think that's what happened. It was severed by the railroad historically, I don't know how many hundreds of years

ago, but that's the history of it that I get.

Now, the front parcel is in the name of the corporation, P Tool & Die. The back parcel being owned by Tom Allen of P Tool & Die along with Norman Felgenhauer former, former owner of P Tool & Die.

As part of the transitioning in the corporation at this point, Mr. Allen is going from owner to consultant, and what he would like to do is to provide frontage to the rear parcel. So what we're proposing to do is to add a 60 foot wide strip of land also to the back of the existing portion to the back parcel. The front one being now known as Lot 1 comprising 8.4 acres. The rear known as Lot 2, 21.4 acres. And the dimensioning that we have and the proposal complies with all of the requirements of the General Industrial Zone. I have comments from County Planning if the Chairman would like me to --

JAMES MARTIN: The County Comments?

MR. ROBERT AVERY: Yes.

JAMES MARTIN: I -- I have read through them. They're basically pretty much standard.

MR. ROBERT AVERY: They're canned. One thing I had in discussion, I didn't -- the item that we had here reviewed from NYSDOT, it is kind of a canned statement in that they want to minimize points of access, of course, all of the time on State highways. We were talking about that earlier with the tire place.

Um, but I have been in discussion with them. We -- we don't have an issue where we have close-by access points. The driveway for the Eastman facility is 200 feet north of the 60 foot strip and the driveway for the manufacturing facility is over 200 feet to the south of there.

It also made the statement that -- they had made the statement that it would not accommodate the required width and radii of the driveway. Of course, you have to be 24 feet for a commercial drive and then have the 33 foot return radiuses, but it is determined from the offset line which is always 11 feet from the center line of the two-lane State highway.

In this particular case, yes, it does all fit within the frontage of the 60 foot and does not -- the return radii do not fall north and south of the 60 foot front. What the State feels is that they don't want any portion, if possible, of a driveway to impact on the frontage of the neighboring property. You know, that's -- that's their conditions, even though, of course, because of the State takings that have occurred along this highway over the years, people don't have any right, title or interest beyond the taking line of the center line any ways.

But in designing -- I sat and designed this. It would -- it would comply if it were within the 60 foot frontage. And I have been in contact with Bob Dudenbach (phonetic) from NYSDOT, and I will be following up with an e-mail to him what -- with what we had discussed on the phone a couple days ago.

The other comments referred to the federal wetland located at the northwest corner of the rear lot, which we have shown, and we also had a comment of woodlots. Yes, there are some trees in the rear portion. Of course, any of these items that have come up -- in the future, if anybody buys this parcel and wants to do anything to it, these would all come into play at that point in time. There is also a -- a -- a treatment located in that northwest area that we have also shown on the drawing.

And, um, Mr. Allen is here to answer any questions you might have, or I'm still here.

JAMES MARTIN: I believe in the letter of intent it was stated that at this point there is no plans to do any development on this Lot 2 in the back.

MR. ALLAN: No. I'm just trying to make it saleable.

JAMES MARTIN: Could -- in the future, it would become a site plan issue at that point.

JOHN NOWICKI: Maybe I missed it. In the County review here, Number 2 on page 2, right-of-way is not wide enough to accommodate the width and radii of the driveway. What is the answer to that?

MR. ROBERT AVERY: It is.

JOHN NOWICKI: How come they made that statement?

MR. ROBERT AVERY: I -- I will be glad to provide the communication that I had with the State. It does fit within the frontage, the return radius.

JOHN NOWICKI: I want to see that.

JAMES MARTIN: Would you provide that for the records?

MR. ROBERT AVERY: Oh, yes, sure.

JAMES MARTIN: It seems like 60 feet would accommodate.

JOHN NOWICKI: So there is no intended use for the property yet at this point?

MR. ROBERT AVERY: No. Just strictly subdivision of land. This clears up an issue that has been existing for quite a while with the landlocked parcel. Of course, it's not something that we want to see.

JOHN NOWICKI: File that information. Thank you.

DAVID CROSS: You may have mentioned this, but to reiterate, my understanding, no variances would be needed for either lot with the subdivision?

MR. ROBERT AVERY: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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: They paid the fee for final on this. Any problems with granting final from a consensus standpoint? Okay. So we're granting final. Waiving final. I don't know of any conditions.

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

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

3. Application of Haydar Ogultekin, owner; 380 Park Avenue, Rochester, New York 14607 for preliminary site plan approval for a change of use to allow automobile sales and service (formerly R.V. & Camper rental & repairs) at property located at 1415 Scottsville Road in G.I. zone.

JAMES MARTIN: As I mentioned earlier, due to the fact we don't have County Comments on Application 3, I would make a motion at this time that we table this application. John Hellaby seconded the application to table.

DECISION: Unanimously tabled by a vote of 6 yes to the June 11, 2013 meeting.

4. Application of Gary Johnson, 1871 Stirnie Road, Victor, New York 14646, property owner M/M Vernon Johnson; for preliminary subdivision approval of three lots to be known as Johnson Subdivision at property located at 95 Beaver Road in R-1-20, FPO, FW zone.

Dave Simpson and Gary Johnson were present to represent the application.

MR. SIMPSON: Good evening. My name is Dave Simpson with DSB Engineers Architects on behalf of Mr. Gary Johnson. We're seeking approval for subdividing a parcel owned by Mr. Johnson of 106.7 acres in three parcels. One would be 1.5 acres. Another 1.2 acres. And another 103.9 acres.

Lot 1 is in this area here (indicating). Lot 2 over here (indicating). The remaining areas of Lot 3 would be the remaining lands, 103 plus or minus acres.

JAMES MARTIN: Okay.

MR. SIMPSON: Are there comments? If the Board has any questions.

JAMES MARTIN: The -- the subdivision plan you handed us tonight, I'm assuming it got cleaned up based on the Town Engineer's comments.

MR. SIMPSON: Exactly. The Town Engineer basically had more -- more -- more just cleaning up the plan, line weight issues, length issues and so on and so forth. So the revised copy that I handed out tonight addressed all those comments.

JAMES MARTIN: The Town Engineer got a copy of that?

MR. SIMPSON: Yes.

JAMES MARTIN: Did you get that, Michael (Hanscom)?

MIKE HANSCOM: Yes, I did.

JAMES MARTIN: I don't have any other questions.

JOHN HELLABY: Is that existing lot that says "owned by Jordon Wood," is that existing now?

MR. SIMPSON: Yes.

JOHN HELLABY: Is that on a septic system?

MR. SIMPSON: I would suspect so.

MR. JOHNSON: Yes, it is.

JOHN HELLABY: I question the fact that there is an adequate setback on these septic systems. It is 50 foot if I recall right, is it not?

MR. SIMPSON: But it's a parcel that is existing right now. It's not -- it's not a proposed parcel. It's an existing.

JOHN HELLABY: But you're cutting the farmhouse.

MR. SIMPSON: The farmhouse, um -- the septic system is shown on the plan.

JOHN HELLABY: You have 50 foot from the line?

MR. SIMPSON: To the left. It doesn't really -- does it require from Town Code to be 50 feet from the property line?

JOHN HELLABY: It is not the Town Code. I think it is the Monroe County Health Department Code.

JOHN NOWICKI: You're talking Lot 2.

MR. SIMPSON: Only code requires for Monroe County Health Department a new septic system would be a raised bed system 100 feet from the property line. It's -- it's a -- if it's a new system, which would -- is not a raised bed system. It can be as close as 10 feet from a property line. But in this particular case --

JOHN HELLABY: That is the only question or concern I got. As long as somebody can

substantiate you're not doing something you shouldn't be doing, I don't have a problem.

MR. SIMPSON: In this particular case, it's a preexisting use.

DAVID CROSS: I can --

JOHN HELLABY: You're establishing -- because right now that two-story farmhouse is part of the big parcel, correct?

The two-story farmhouse with the pool in the backyard is part of the overall big parcel?

MR. SIMPSON: Right. Right.

JOHN HELLABY: Now you're establishing a new line. I'm just saying we need to make sure that you have the proper setback from that septic system.

MR. SIMPSON: Yes. It's beyond 10 feet at this point --

JOHN HELLABY: Okay.

MR. SIMPSON: -- from the septic system. It was located where it is shown there, to be on the Lot 2.

JOHN NOWICKI: You want to make sure, if have a question there.

JOHN HELLABY: There is times I seen these things come in and they run a property line right through a guy's septic system.

MR. SIMPSON: That was one of the -- that was one of the conditions of going out there and locating the septic system.

JOHN HELLABY: As long as you have done it. That's all I got.

DAVID CROSS: Um, same question. Would any variances be required for either of the lots proposed?

MR. SIMPSON: No. They meet the Town zoning for the 20,000 square foot lots.

DAVID LINDSAY: We just ask that any condition of approval be that the accessory structures on Lot 3 be demolished.

JAMES MARTIN: Do you know what those accessory structures are that sit on that lot?

MR. JOHNSON: Those are barns. One was used for hay. The other one is used for equipment.

JAMES MARTIN: Your name, please?

MR. JOHNSON: I'm Gary Johnson. I own the property and it's been in my family since 1877. The -- the two barns in question, one was -- would have housed grain and hay at one time. It's currently empty. The pole barn is currently empty, as well. That housed equipment, like tractors and such.

DAVID LINDSAY: Are they -- are they accessory structures to a prior residence? Is there a residence on the lot?

MR. JOHNSON: Well, again, the house was all part of the whole acreage, and what -- what the current plan is is to break out two -- two subdivided lots from a third parcel. And there will be no house on that -- currently -- no proposed house for my subdivision point of view near the barns at all.

DAVID LINDSAY: So if approved, there will be no house on Lot 3.

MR. JOHNSON: Not by my doing.

DAVID LINDSAY: No proposed house, correct?

MR. JOHNSON: Correct.

DAVID LINDSAY: Under our code we don't allow accessory structures unless there is a house on the lot.

JAMES MARTIN: So if we go forward with the subdivision, that's going to be a condition of approval.

DAVID CROSS: You want to make him tear down a barn that has been there since 1877?

MR. JOHNSON: Currently, I'm planning on selling the property.

DAVID LINDSAY: Are they being used for anything right now?

MR. JOHNSON: Currently, I was using them up until a few weeks ago to store some of my personal equipment.

DAVID LINDSAY: Being used for agricultural use?

MR. JOHNSON: Yes.

DAVID CROSS: Are they in good shape?

MR. JOHNSON: Yes.

DAVID CROSS: Not falling down?

JOHN NOWICKI: They're in good shape.

MR. JOHNSON: Currently, the farm is being, you know -- it was planted last week with corn. So it is still an active farm.

JAMES MARTIN: Hold on a second. We have a side-bar discussion.

DAVID LINDSAY: We'll have to look into the issue with the accessory structures, Mr. Chairman. I would ask that maybe the applicant come in tomorrow, give me a call tomorrow and we can look into the issue and provide an answer.

MR. JOHNSON: Certainly.

DAVID LINDSAY: Maybe a condition of approval and maybe Counsel can speak to it, should it become necessary based on a review of the code, that the structures come down, a condition of approval would be that it take place.

MICHAEL JONES: Yes. Or also seek a variance.

JAMES MARTIN: Accessory structures if it becomes necessary will have to be removed?

MICHAEL JONES: Or obtain the variance.

DAVID CROSS: Or obtain the variance.

JAMES MARTIN: Or obtain the variance.

Michael Hanscom, I know your letter concerned a lot of the detail issues on the site plan that were not clear.

MIKE HANSCOM: They -- the revised plan appears to have addressed all of the comments regarding labeling.

JAMES MARTIN: Okay. Thank you.

MR. DI VITO: No comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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: Okay. Two conditions.

The approval is contingent upon final approval of the Town Engineer and Commissioner of Public Works and the accessory structure on Lot 3 if it becomes necessary may have to be removed or the applicant to obtain a variance.

They have paid their fee for final on this. By consensus, waiving final?

The Board indicated they would waive final.

JAMES MARTIN: Final is being waived.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Approval is contingent on final approval by the Town Engineer and Commissioner of Public Works.
2. Pending further review by the Commissioner of Public Works and Planning Board Counsel, it may be necessary that the accessory buildings be removed or that the applicant obtain a variance.

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

There was a recess in the meeting.

5. Application of 997 Beahan Road, LLC, 369 Bostwick Road, Phelps, New York 14532, property owner: Curts Properties, LLC; for preliminary site plan approval for a parking lot expansion at property located at 997 Beahan Road in L.I. w/ADATOD zone.

Jess Sudol, John Caruso and Steve Wadhams were present to represent the application.

MR. SUDOL: Good evening. My name is Jess Sudol from Passero Associates. With me here this evening is also Steve Wadhams from Wadhams Enterprises who is the applicant and John Caruso from our office is also here this evening.

We were last here for -- well, not necessarily for preliminary approval, but we were last here in the month of April at a time we didn't have County Comments for the project, but we are here tonight with those County Comments and some other changes to the plan.

Seeing as how have you a pretty long agenda this evening, I will keep it short.

Basically Wadhams Enterprises currently owns and operates a facility out in Bergen. They do most of their business which is trucking and then transportation of fuel in the Greater Rochester area, so it wasn't very economical or isn't very economical for them to continue to travel to and from Bergen every day.

They were able to identify this facility on 997 Beahan Road which is across the street from the airport as an ideal facility for them to relocate. There is an existing 14,000 square foot building on site with some existing parking areas. The proposal for redevelopment includes an interior, some slight interior renovation to that existing facility. The majority of the exterior will stay the same. And probably the biggest part of the proposal as you can see by the shaded area on our plans is an expansion of the parking lot or a parking lot to the west.

Basically just to go through the site plan quickly with you, on the east side of the property is what we're calling our employee and customer lot. There is about 12 spaces there for people who are just coming to the facility for a brief amount of time. It works well for that area because they're able to get in and out without having to have any conflict with the truck traffic which travels from the back of the facility to the front.

Actually, we did receive a variance from the Zoning Board of Appeals several weeks ago to have that parking in the front setback. Some of the other parking directly north of the building is also for employees that are actually within the building. The way it works, there is about a

maximum of 25 employees inside the facility that do minor maintenance on the vehicles. There is also a dispatch in there and some administration and general office staff. The rest of the people that work for Wadhams Enterprises and their trucking companies are, um -- basically they operate at the back of the facility where we have approximately 69 trailer spaces and another 35 truck spaces. And what -- we differentiate between tractor-trailers as the actual physical trailer itself and then the truck.

So the trailers are parked in the trailer spaces and the tractors for the trucks are parked in the truck spaces.

There is also a refueling station which is just immediately to the west of the building. That just refuels the actual trucks themselves, not the actual tanks that are on site. There is also a proposed concrete apron in front of some of the overhead doors. Some of the other site features I did want to point out is in this area here (indicating), as you can see in yellow, there is existing parking area.

All our proposed improvements are south of where that existing pavement is. The reason why that is important is because the area immediately to the north of us is zoned Residential and there is a 100 foot residential buffer in that area. So we wanted to make sure that we didn't encroach into that area and essentially maintained it at all times. I'm happy to say we were able to do that. We're not proposing much, if any, disturbance to that buffer. There is a little storm water management. That's about it.

Again, all our improvements are to the south of the facility. We are proposing some storm water management to account for the increase in impervious area, but even with that increase in impervious area, we would still have roughly 46 percent green space. So for all of you who are familiar with industrial type use, 46 percent green space on this type of facility is actually doing pretty well.

We did look to enhance the parking or the paved area that is in front of the facility along Beahan Road. We are doing that with the berming and some additional landscaping. Again, that was part of our mitigation for having that pavement there, even though it is existing. Again, that was part of our variance application which we received a couple of weeks ago.

Again, just to update you since we last met, again, we did receive County Comments. One of the reasons why they were late this time was because it actually brought the airport into play as a reviewing agency which doesn't necessarily happen all of the time. The airport was specifically interested in seeing how we were treating our storm water management. They have -- don't want large open ponds that could attract water foal.

So what we're doing in one of the major revisions we made since we were last here was we're not proposing any open water areas. We're using bio retention and filtration essentially for -- to service all our impervious surfaces. It is something that we have worked with the Town Engineer on for the last couple weeks to make sure that all the new parking area back there goes to one of many green infrastructure practices that we're proposing around the perimeter of the project.

We have vegetated swales. Again, we have a couple bio retention areas. We're doing some berming to push that water to an area where it is going to have a chance to filter through a sand media before it collected and discharged back into that drainage ditch.

We have also received approval from the Conservation Board several weeks ago, and they have actually signed off on the plans, so we did go ahead and make that change. Again, we have also been working with the Town Engineer on what is called a multi-sector General Industrial permit which is a little bit different than the typical SPDES permit that this Board is used to. It -- it was at a time a question on whether or not we would require that permit.

We have since followed through. We have prepared it. It is about 2 inches thick. The Town Engineer has had a chance to look at. Pretty much what that permit does, it doesn't deal with construction like the storm water permit does like everybody is used to. It deals with the ongoing maintenance of the facility.

For spills -- or actually quarterly, you're checking for spills. Once a year, you're reporting back to the DEC and essentially assures that you're doing your homework with the site and maintaining good housekeeping.

Just a few other brief things I wanted to point out about the site again. The traffic flow was key in positioning those employees and customers in those front lots so that basically people aren't walking around in the back lot. We just want the trucks in the back lot to be able to go out to Beahan Road without people driving onto the facility who aren't familiar with it and trying to figure out where they should go. So that was important to us.

Also important to mention that this is not a type of facility which has a really high peak with respect to traffic.

All these trucks just don't empty out of the site at once. The reason for that is because their fueling station is right up the road and they don't want it backed up at the fueling station.

So they only have one go every couple minutes, which is run by the dispatcher to make sure that when they do get to that fueling station, it is nice and efficient. So we don't have 50, or even 10 for that matter, trucks all leaving this facility at once so it doesn't really create a traffic problem, again, using our existing curb cuts.

So we're actually looking to finalize the purchase of a parcel because we would like to get in the ground as soon as possible. They're anxious to get their facility up here. Again, any of us who drive a vehicle know that gas prices, you know, they're down slightly, but they're not going anywhere to where it is not hurting them right now to be all of the way out in Bergen there. They want to be part of this community.

Again, I would be happy to answer any questions and Mr. Wadhams can also answer any operations of the facility questions.

JAMES MARTIN: I don't have any right now.

RICHARD BRONGO: You mentioned spills. Don't you have containment to handle spills?

MR. SUDOL: Yes. Actually, that specifically relates to the refueling area. The trucks themselves and the liquid that they carry is all an enclosed pressurized system, so essentially it's not like you could have a rotten tank and it would spill from there. That essentially never does happen. It's just a -- the containment is for the actual refueling station for the trucks. All that actually comes built in. So yes, we're absolutely providing that containment.

It is just the amount of trucks that we're going to have on site to make us a certain classification as far as industrial use goes and that classification, in turn, requires us to have this ongoing maintenance while, you know, we don't feel that there is -- a danger of anything like that necessarily happening. If for some reason something did happen with a minor spill, you know, systems are in place to keep that in check.

DAVID CROSS: So Jess (Sudol), help me out here. So the airport engineer had concern over ponding on the site, so you went with these bio retention facilities.

MR. SUDOL: Yes. Our initial design, there is a ditch that runs through the property. We initially had that in line with the storm water management area with micro pools and four bays that were 6 feet deep with standing water. And they were concerned -- although they're relatively small and I'm not sure geese or ducks would be able to fly in there, their philosophy is no standing water around our airport.

So that is why we basically took that off line for starters and let the ditch continue its way it goes today, and then we put these bio retention areas in to have a maximum during a peak storm event of 6 inches of ponding water which obviously isn't enough for water fowl.

DAVID CROSS: So 6 inches. Okay. 6 inches for how long? A couple hours?

MR. SUDOL: Not even. About an hour at most.

DAVID CROSS: The airport engineer was okay with this design.

JAMES MARTIN: It has been approved.

MR. SUDOL: They actually issued an approval letter.

JOHN CROSS: That's all I have.

JOHN NOWICKI: How many trucks are going to be on this site at one time?

MR. SUDOL: Actual trucks we have parking spaces for 35 of them.

JOHN NOWICKI: These are tractor-trailer fuel hauling trucks?

MR. SUDOL: That's correct.

JOHN NOWICKI: Will they be sitting there filled with fuel?

MR. SUDOL: No. They're always empty when on site. They leave the site empty, they go to the fueling station up the road, fill up, run their route for the day and come back and park empty again.

So there no fuel on site.

MS. FRANK: No.

JOHN NOWICKI: The only thing you're fueling is --

MR. SUDOL: The trucks themselves.

JOHN HELLABY: I recall you maybe mentioning it once before, but dumpster or trash removal, I don't see any dumpster enclosure.

MR. SUDOL: A lot of that is done on the inside, but there is -- I have the site plan here. I think most of it is handled on the inside and they roll it out in the overhead doors for the pickup.

JOHN HELLABY: All right. Is there extensive renovations going on inside the building as far as -- I see they're going to add probably those bigger overhead to get the trucks inside?

MR. SUDOL: You know what, the renovations are actually relatively minor. You know real great synergy of the whole project was that the former use here was relatively similar in that it had offices and admin, and then maintenance in the back, which is exactly what they need. So there will be some improvements to the overhead doors, but for the most part, the interior space works pretty well for them.

JOHN HELLABY: And no outside lighting?

MR. SUDOL: I'm sorry. I did mean to touch on that. There is several LED lights that are proposed in the back of the property, and it's just a safe level lighting. It's not -- and that's the benefit of LED. It provides a nice, wide consistent coverage but only a couple foot candles. It's not 5 or 10. And all that has a full cut off. Another benefit of LED lighting, it's very directional so we can make sure we're not spilling over on any property lines. There is about a half dozen poles in the back just around the perimeter to keep that safe level of light, but again, nothing that would be very intrusive or nothing that would be spilling over property lines. Of course, as most fixtures are, they're all dark sky compliant.

JOHN HELLABY: The Airport people had no comment on those.

JAMES MARTIN: They did. They approved it.

JOHN HELLABY: That's what I meant. That's all I got.

PAUL WANZENRIED: Is there a canopy over your gas refueling?

MR. SUDOL: There will be.

PAUL WANZENRIED: There will be a canopy.

MR. SUDOL: Yes. That's part of the permit.

PAUL WANZENRIED: He didn't see any details on that. This will have some sort of fire suppression system in it?

MR. SUDOL: Yes. That system will meet all the general building code requirements. It kind of comes as a package deal these days where it has the self-containment, you know, the canopy over the top.

PAUL WANZENRIED: Okay. You're showing a gate. I believe you touched on it in your dialogue. A gate here (indicating) that enters in and out?

MR. SUDOL: Where, the main entrance there?

PAUL WANZENRIED: The main entrance.

MR. SUDOL: Oh, right. To our backyard there.

PAUL WANZENRIED: Right. So how is that operated? Key fob? How is that operated? Key fob? Something in the truck?

MR. SUDOL: It is -- for the most part, that gate would remain open because they're a 24-hour-a-day operation so it would only be for very specialized circumstances. That gate was actually there as part of the former facility so we wouldn't use it in the same context as they do.

PAUL WANZENRIED: Well, my next question is how -- what is the truck run schedule? What time do you start? What time do you finish? Do you run the 24/7?

MR. SUDOL: They do run 24/7 and it is actually pretty spread out. You know, if there are 35 trucks, they leave only one every 20 minutes. Over the course of a day, there is probably a few more in the morning and few in the afternoon and not as many overnight, but they do run 24/7.

PAUL WANZENRIED: The parking up front is for visitors. That's what you said.

MR. SUDOL: Visitors and employees.

PAUL WANZENRIED: And employees.

MR. SUDOL: We're not making a specific designation, but the idea is we only expect a handful of visitors and not a whole lot of people come to the facility, and the intent is they would go there, or employees if they're running in or out.

PAUL WANZENRIED: No further questions.

JOHN NOWICKI: Just wanted to ask you a question. Do you have an idea about what kind of traffic pattern people would see 24/7? Now, there is Beahan Road to Scottsville Road, Paul Road. 204 extension is going in.

What are we looking at for truck movement all through here?

MR. SUDOL: One of the benefits that a lot of the people in the community know is the extension of Jet View Drive off Paul Road. That provides one opportunity for us to get up to Chili Avenue and the fuel stations up there. Or the other option would be to continue up Beahan and pick up Chili Ave. over in that fashion, but...

JOHN NOWICKI: Off Paul Road. You mean go off Paul Road?

MR. SUDOL: Right. Sorry. But it is -- again, you know, advantageous for us anywhere they continue the Jet View Extension all of the way up that that could be taken advantage of.

JOHN NOWICKI: Thank you.

JAMES MARTIN: In your letter, I think the response letter from Mr. Sudol addressed your concerns. I think basically it was, you know, the storm water management contract that has to be supplied; that is coming with the final SWPPP?

MIKE HANSCOM: Yes.

JAMES MARTIN: Okay.

DICK SCHICKLER: A comment from the Conservation Board was to save as many possible -- evergreens as possible. Is that -- is that doable?

MR. SUDOL: Yes, absolutely. Again, we're trying to do that by staying in that disturbed area to the south and not encroaching the existing vegetation to the north.

DICK SCHICKLER: Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MS. BORGUS, 31 Stuart Road

MS. BORGUS: I just heard Jet View Drive mentioned. Um, is that something that should be a consideration for this proposal? I -- my understanding was that that had been sidetracked and we couldn't look for that to happen in the immediate -- in the near future. I heard it was shelved, so I mean, I don't think that that should be something that should be brought into this discussion, you know, as possible -- as a benefit or a possible. If it's not present.

JOHN HELLABY: It's been delayed. It has not been shelved.

MS. BORGUS: But that can be anything. Delay can mean anything. I don't think that should be part of your thought process here.

JAMES MARTIN: Thank you.

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

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

JOHN NOWICKI: Just one quick question for the Board. Has -- has this gone again before the Traffic & Safety Committee?

JAMES MARTIN: David (Lindsay)?

DAVID LINDSAY: It has. The Chairman of the Traffic & Safety Committee brings the Planning Board plans to those meetings. I bring them and we review the applications. I don't

think it was looked at at this most recent meeting, but it was looked at at a previous meeting.

JOHN NOWICKI: They had comments?

MR. LINDSAY: I can give you my recollection from the meetings that there were no major comments.

JOHN NOWICKI: (Indiscernible) comments.

DAVID LINDSAY: I did speak with the Chairman of the Traffic Safety Committee and asked them to -- in subsequent meetings to submit some formal written comments to the Building Department.

JOHN NOWICKI: That would be nice.

JAMES MARTIN: That came up the other night. They're going to start to do that.

JOHN NOWICKI: We have to start to do that.

PAUL WANZENRIED: Is there any signage?

MR. SUDOL: No. The sign is not currently part of the application. If there were sign -- there is no current plans for signage.

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: They have paid their fee for final, if this goes ahead.

Consensus to waive final?

PAUL WANZENRIED: I'm okay with it.

JAMES MARTIN: Okay by consensus? Final would be waived if this does go forward.

Okay. As far as conditions go, the applicant is to comply with the Conservation Board request for saving as many pine trees as possible.

Um, completion of the project, applicant shall submit Landscape Certificate of Compliance to the Building Department for the landscape architect certifying all approved plantings have been furnished and installed in landscaping plan.

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

And Town Engineer/Commissioner of Public Works shall be given a copy of any correspondence with any other approving agencies.

Anything else?

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Applicant to comply with Conservation Board request that the 6 foot pine trees on the northeast side of the stormwater basin be preserved.
2. 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.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
5. Subject to approval by the Town Fire Marshal.

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

6. Application of Morgan Management, LLC, 1170 Pittsford Victor Road, Suite 100, Pittsford, New York 14534, property owners: Westgate Nursing Home and Rochesters Cornerstone Group; for preliminary subdivision approval of two lots into two lots in the Union Square Subdivision to be known as 85 Union Square Apartments at property located at 85 Union Square Boulevard and portion of 3327 Union Street in PRD zone.
7. Application of Morgan Management, LLC, 1170 Pittsford Victor Road, Suite 100, Pittsford, New York 14534, property owners: Westgate Nursing Home and Rochesters Cornerstone Group; for preliminary site plan approval to erect 13 two-story apartment buildings totaling 130 units, and a 4,000 sq. ft. clubhouse with pool at property located at 85 Union Square Boulevard and portion of 3327 Union Street in PRD zone.

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

MS. BRUGG: Thank you very much. Mr. Chairman, members of the Planning Board, it is a pleasure to be here tonight. For the record, my name is Betsy Brugg. I'm an attorney and I'm here on behalf of Morgan Management, the applicant and developer of the proposed project.

We me tonight is John Caruso and also Jess Sudol from Passero Associates, and Frank Imburgia is here on behalf of Morgan Management. Bob Morgan had planned to be here tonight but had another conflicting meeting and couldn't make it tonight. But he really wanted to try to make it here.

So this project was before the Board last month back in April. We took back quite a few comments, and I think we have been able to address most of the comments and concerns that were raised. I don't want to steal anyone's thunder, so I will turn it over to John (Caruso) for some of the details in a few minutes.

Just for, you know, purposes of reviewing a bit of the history, we're talking about an 11.13 acre site. It is property that was rezoned in the mid 1990s and a part of a much larger piece of property from MR, from Multiple Residential to PRD, Planned Residential Development, a designation which is intended and eventually, um, resulted in the rezoning of the property to allow greater flexibility and to allow clustering in respect to, um, you know, more flexible design layout for the development of the property.

As you know, last month, um, plan was before the Board. It did include, um, three-story apartments. This does continue to be an apartment development. Um, but having listened to some of the comments from the Board -- I wasn't at that meeting, but I did review the comments, and John (Caruso) and the developer and myself spent some time talking about that. We have significantly changed the project to a two-story apartment project. We brought you some material. I think John (Caruso) just handed out some examples.

These are just a few examples of some of the fine Morgan developments in our local market. Bob Morgan and Morgan Management are a local company, locally founded by a hometown boy, but he has become quite, um -- his empire has grown to cover apartment developments throughout Monroe County, throughout New York and throughout the country, so we have a -- lots more material we can share with you in terms of other examples if you're interested. But I think that my point in saying that he has grown is that if you talk to any of the other communities in Monroe County and in our area, you will hear really positive feedback about the quality of the developments that Morgan Management owns and operates. They take pride in the fact that they own very high quality, well-run apartment communities. Places where people want to live and places that he himself is proud to own.

So with that, I will turn it over to John (Caruso) and have him go over what we have -- what we have done for you here.

MR. CARUSO: Thank you, Betsy (Brugg).

Um, Mr. Brongo, I don't believe that you were at the last meeting to see this project, to see the change. I know Karen Cox was here. Um, but I think that the changes that we made that were significant was really the reduction in the store -- the number of stories, which then led to the number of units. And so there is about a -- just under a 20 percent reduction in the number of units, and I know that some of the Board members were concerned about density and -- so I think this all comes into play, this retooling of this project.

And I'm just going to take you through the site plan modifications and the improvements that this Board asked for as well as, um, us in our attempts to try to address public comment.

Um, ultimately at the end of tonight's meeting, we would like to ask the Board to consider granting a negative declaration on SEQR, and preliminary approval. Unlike other applications tonight that were ready for final, our application isn't. We usually like to come in with materials, but we would like to get preliminary approval, so that is our request tonight.

So with that, um, let me show you the parcel again. There was a reduction from three stories to two-story buildings. Those -- these buildings are a little bit bigger in terms of size, but they're smaller in number of units. And so the -- the building height being reduced is not only at two stories, but it is under the maximum allowable building height. So that is one of significant changes.

Um, and we did this by changing -- actually changing the building type that we're proposing in there. So each building unit now has a garage. Whereas in the last plan, not every unit had a garage. So that is -- that's a very big upgrade in -- in our marketing to try to provide a garage to each unit.

Um, and then inside the units, there is a significant lifestyle improvements to the amenities. And so if you look on -- I believe it's the second project in the spiral-bound book that we handed out, there is a list of some of the amenities that are being offered. And those include things like granite countertops, stainless steel appliances, um -- well, there is a whole list there. I have too much here to try to remember that.

And this a very similar looking unit from Saratoga Crossing. This is -- this is an individual driveway and garage, and this is an apartment over an apartment. But it doesn't look like it. It looks like a town home.

Some of the other improvements we made to the plan, and this was more significant, because this addressed some of the technical comments is that we have a full dual loop roadway system now where we didn't have that before. And if you will follow my -- my red dot here (indicating), there is two means of access into the property. So we don't have to do a secondary means of access with a crash gate. We're actually providing two means of access. There's a loop system all of the way through.

Also included is -- one of the development amenities is a 4,000 square foot clubhouse along with a pool. We did not have that in the other project. So you can see our attempt here is to really uptick the building grade for you, reduce the building height, try to address the density issues that the Board and neighbors had along with the access and the routing to the project.

Um, it's a little bit more conventional than the project we were proposing last time.

Um, one thing I wanted to point out about emergency access and the firefighting ability is that a two-story building is very conventional for the Fire Department, and they don't need any highly specialized equipment for fighting fires on a two-story building.

Um, in -- in that category of looped access, we were talking about school bus access at the last meeting.

And so we contacted the -- the Churchville-Chili School District, which would be serving this area. And they will service this area. They will go into the project and pick up children, but they have a couple of conditions. And those conditions are very easily met. Um, one of them is that the roadway needs to be built pretty much to Town standards. You know, that HS 20 capable loading. It's a highway designation of the type of loading a roadway can take, and we do that on most all of our projects any ways because refuse trucks come in, construction vehicles come in, emergency vehicles come in, and so you sort of have to have that pavement section anyway, and we do.

So that was an easy thing to say yes to.

The second thing they require is that privately we maintain the roadways. And so this is not a dedicated roadway. It would be privately maintained by the owner of the development, Morgan Management, and then lastly, um, they want looped access so they don't ever have to back up or turn around. And you can see that we have that provided in two ways in this project. Along with the second means of access.

So to answer the question about safety, it was along those lines, um, we also have -- you can see the grade sidewalk throughout. This is always a discussion with this Board. We know you like the internal sidewalks, so along the lines of safety, we think we have safety covered. And, of course, all of the roadways are illuminated with engineered lighting.

Um, so we're talking about school bus. That sort of leads me into the discussion of estimating how many school children. Um, we looked at four of the communities that Morgan Management owns and maintains. And we were able to determine from, um, that population that they have a .3 child per unit. And -- on the average.

And so as it relates to this project with 130 units down from 156, um, 130 times .3 is 39 children would be expected. So the next question is, will the School District be able to pick up, you know, 39 new children in this community. Well, assuming that none of these people come from within our community and are already going to Churchville-Chili schools, at the worse case, um, Churchville-Chili, if you don't know, recently did about a \$20 million expansion to their facilities and so in my discussions with the School District, they absolutely have the ability to handle 39 children.

Um, the next thing that we wanted to address the Board that we discussed was the marketing study.

And we did go back to the people who wrote our marketing study and asked them to answer the question, which was along the lines of, does -- did our marketing study address developments that are in the planning stage or are not yet planned but could be that might affect our absorption rate. The answer was yes, it does.

Um, essentially, based on the population that is in and around this community, there is a certain percentage of people that would be the basis of people that would rent our project.

And so when they do their calculation, there are other factors that they multiply that reduce that absorption rate. Even with that reduction -- and they wrote us a letter, and I believe it was submitted to the Town -- even with that reduction, they still believe there is a decent absorption rate.

But to try to improve that, there is some other things that we would like to share with you.

Those are: The amenity uptick that we're showing you with this project we really think will help rent this project out. Um, you see it there, you see what these things look like. We have added the clubhouse. There is a playground now. Um, our sidewalk system interacts with the PRD, um, sidewalk system which has other active recreation connections.

We have our clubhouse that has other amenities inside of it that include a business center, a fitness center, conference room. Um, the leasing office is in there and other amenities that they have.

Um, the -- the pool for other active recreation, and then, um, the playground I mentioned.

And then the other thing that we think will really help rent this project out, we were uncertain before when we talked with 156 units if we would build them all at once. We thought we might want to phase some. We won't do that any more. With 130 units, we're going to build it all in one phase. And the way that we're doing that is we'll build four buildings and C of O them and rent them and then move the whole construction crew on to the next one.

So we'll phase in the C of O, but we'll build the project all at one time. There's a couple things that does. It doesn't have you under construction all of the time, and at the end of -- of a year, you will be done. So you're not two or three -- not like a subdivision that has the 100 lots in it and they take down 20 a year. It takes five years to build that project out. Well, it's under construction for five years also. That won't be the case here.

So along the whole lines, Jim (Martin), of your concerns specifically about, um, is -- is there enough marketing here, um, we -- we think the market rate again is still correct. We double-checked it. We think that by adding these amenities that it will really make this a hot spot. We are reducing the number of units so there is less to -- to rent up. And -- and then the phasing issue to -- to phase this all in one phase rather than have one potentially that doesn't get built.

Other considerations were asked to look at was green space, which we show 50 percent of this project, it's not as much as it was before, where we were at 60 or 70. But we're still a very high -- high coverage rate of 50 percent.

And then the Building Department asked us if we would consider adding five more streetlights out on the roadway. We are going to do that. We think that is a good amenity for safety to -- to our project and the neighborhood.

And so finally, the -- the -- the issues that were brought up by the community are really hard for us to address. I will put it out there. Honestly, they were -- they were in connection with an adjacent development correlating to us on how it might impact them, and I'm not sure how we can answer that question. But, um, here's what we did do. We sort of looked internally -- and sought to isolate our project and so that it can't be impacted by outside sources, nor can we impact the neighbors. And we did that by landscaping in and around our -- 360 in and around our perimeter by using natural topography, the existing vegetation, or proposed landscaping, berming and screening. We used all three of those to try to isolate ourselves from in and around that community. And the fact that we are separated by better than 1000 feet to the neighbors along Attridge Road. So in respect of them, we tried to screen ourselves from them and -- and us from the other project in the community that they seem to be impacted by.

So with that, I will open it up to any questions between Betsy (Brugg) and I. We have Frank Imburgia who is partners with Bob Morgan on this parcel. Frank (Imburgia) will be building it. FSI, as you know, is a very well known construction company. And Jess Sudol is here as my Project Engineer with any technical aspects of your comments.

MS. BRÜGG: I just would like to just add, um, in respect to concerns about maintaining the quality of the development and how you -- how you keep order and how you make sure you don't have, um, you know, problems in an apartment community, um, you know, one of the reasons I mentioned the fact that Morgan Management owns many apartment communities, they have expertise in this area. They have been managing apartments effectively and doing a great job at it. But I will share with you, just for an example, um, some of the criteria for their selection of residents.

You know, a process that they have to go through. And this is just a sample from another community, some of the rules and regulations that are attached to their lease. They really don't tolerate, um, behavioral issues with tenants. They really try to maintain a topnotch, you know, quality of life for their residents. So I will just pass that along so that you have that.

MR. CARUSO: If I could, um, would -- what Betsy (Brugg) is trying to address from the last Board meeting was why will this not turn into student housing? And -- and, you know, this is something that is addressed in their lease. But while she is doing that, I will also add that I forgot to mention that the square footage of these apartments are 900 to 1400 square feet. Ones, twos and three-bedrooms and the price ranges are 1000 to \$1400 a month. I just wanted to add that in for the record.

JAMES MARTIN: I won't be able to read all this right now, Betsy (Brugg).

MS. BRÜGG: Well, you don't actually need to go through the whole thing. I just wanted to let you have a copy of what they -- you know, what they have provided in other communities. They have to obviously comply with applicable law that prevents discriminatory practices, but they run a very professional topnotch operation and they work very hard to maintain a very high quality of living in their apartment communities. One of the ways they do that is by establishing rules and regulations.

MR. CARUSO: We'll be able to address any of those comments if you do have any when we come back for final.

JAMES MARTIN: Well, I guess I will start off by saying that certainly you paid attention to the comments from the Board from the previous discussion we had on this project, and so a very substantial change was made as a result of that.

Um, I don't have any specific questions right now. I'm going to go to Paul (Wanzenried).

MR. CARUSO: Thank you. That is good that you don't have any specific questions. (Laughter.)

PAUL WANZENRIED: John (Caruso), are all of the downspouts, are they hooked to the storm, or are they going to splash blocks?

MR. CARUSO: They're hooked to the storm sewer.

PAUL WANZENRIED: Okay. Number 4 in your response letter said the intent is to have the loading area at the proposed clubhouse. This would be in reference to the school bus? So -- so am I to understand that if I'm renting in here, my child will be picked up at the clubhouse? Is that your intention?

MR. CARUSO: It -- yes. It -- we can designate a -- a pickup location anywhere. It is just really in coordination with --

PAUL WANZENRIED: Well, I guess it will piggy-back to what -- another question I'm about to ask you is, is there adequate enough parking at that clubhouse if you have a fitness center? In other words, you will use the pool, um -- you're only showing by my count, two -- six, seven plus a handicapped. That's -- that seems to me kind of light. You know, it is the dead of winter and if I'm running out, you know, I have 130 units times -- let's say three people, two people per unit. That's a lot of people going to have -- if they all want to get in there. They all won't at the same time, I understand.

MR. CARUSO: We can add some more. It's really subjective. You know, I could add three more and make then there. I think ten would be sufficient. It's one of those things where if you had you a huge event there, it wouldn't be enough and normally people would go there from

their apartment. It's not a bad thing they walk there. A lot of these communities we like them to walk, but I don't disagree with you. We could probably add a few more.

PAUL WANZENRIED: I just think that should be revisited to some extent.

MR. CARUSO: Yeah.

PAUL WANZENRIED: The other aspect I wanted to ask, you said the road would be privately maintained. Am I to understand that all of the driveways then are all plowed, as well?

MR. CARUSO: Yes.

PAUL WANZENRIED: So you're pushing that snow out of those areas into your snow banks, snow storage areas?

MR. CARUSO: Yes.

PAUL WANZENRIED: Of which you have five, I believe? Two at the end, three -- I think there is only five that I counted.

MR. CARUSO: Okay. It --

PAUL WANZENRIED: It seems like quite a bit of distance to push the snow.

MR. CARUSO: They do it all of the time. And if they pack -- if they stock up, they come in on Saturday and they shovel it out. They put it in trucks and they take it right now.

Isn't that right, Frank (Imburgia)?

MR. IMBURGIA: We'll have a loader on site. We have them in every complex.

PAUL WANZENRIED: Okay. Thank you. Oh, wait one more. One more. Sorry. Am I to understand now this is not sprinklered or are they sprinklered units?

MR. SUDOL: They are.

MS. BRUGG: They are.

PAUL WANZENRIED: They are sprinklered units. Okay. Thank you.

MR. CARUSO: I think we can accommodate a few more parcels. I looked. There is room to do it all and you can probably balance and slide them over. You can see we have tried to add some other visitor parking in and around without trying to take up too much of the green space.

PAUL WANZENRIED: Okay. Thank you.

JOHN HELLABY: We may have discussed some of these things, John (Caruso), but refresh my memory. On-site rental agent? Is there somebody there full-time as a rental agent? I mean, like 8 to 5 or whatever?

MR. CARUSO: Yes. In the -- in -- the 4000 square foot clubhouse has a leasing agent's office.

JOHN HELLABY: On-site maintenance staff or lawn care type thing, or is that all hired out?

MR. CARUSO: It's hired out.

JOHN HELLABY: Trash. I believe we talked about toters or something.

MR. CARUSO: Yes. They're held in the garage.

JOHN HELLABY: So basically come trash day you will have 130 of them sitting around the complex and they just come through one at a time and dump them.

MR. CARUSO: Pick them up.

JOHN HELLABY: Often burdensome.

MR. CARUSO: That's how they do it on my street.

JOHN HELLABY: I hear you, but this a residential street.

MR. CARUSO: Won't know the difference. These roads are all 20 feet wide. I bet you if Dan Boon was here tonight, he would say, "I'll do it."

JOHN NOWICKI: What about security on site? Cameras? Anything like that to observe what is happening in the area?

MR. CARUSO: Um, I don't think other than security in and around the clubhouse.

JOHN NOWICKI: Okay. And there is -- you mentioned on-site management. Is that 24/7 or just 8 to 5?

MR. CARUSO: I think it's 8 to 5, John (Nowicki).

JOHN NOWICKI: So security is basically just the local Sheriff's Department.

MR. CARUSO: Are you talking about security for looking around, John (Nowicki), the site or for, you know, the door key --

JOHN NOWICKI: The site. Just -- security personnel.

MR. CARUSO: Are they planning on having an on-site manager full-time?

MR. IMBURGIA: There will be a guy that lives in one of the units.

MR. CARUSO: I stand corrected.

JOHN NOWICKI: So it will be on-site 24/7 managed.

What about pets? Will they be allowed in certain areas or just not at all or what?

MR. CARUSO: I don't know about pets.

MR. IMBURGIA: Upcharge.

MR. CARUSO: Pets are allowed but they -- but it costs more money. Pets are always costing you more money.

JOHN NOWICKI: And these are apartments that are above apartments, the lower unit, the upper unit?

MR. CARUSO: Yes.

JOHN NOWICKI: I assume the construction process will be soundproofing.

MR. CARUSO: For sure. If you don't have that constructed well and soundproof, it becomes problematic. I'm sure -- they built this unit before, so they -- so they do know that they need to soundproof them.

JOHN NOWICKI: Each unit has a garage of their own.

MR. CARUSO: That's correct.

JOHN NOWICKI: So they have refuse containers in the garage.

MR. CARUSO: Yes. The way it works, if you look at the photo here, it's a dual driveway with a single garage, and then each garage goes to one unit. But it looks like it goes to both -- both of them go to one unit, but they do to individual units.

JOHN NOWICKI: These are privately owned by and run by Morgan Development.

MR. CARUSO: That's correct.

JOHN NOWICKI: They're not, um, what do you call it, housing, Chapter 8 or whatever it is?

MR. CARUSO: No. This is market-rate housing. This is not subsidized.

JOHN NOWICKI: Okay. Okay. All right. Good. Thank you very much.

DAVID CROSS: Well, I echo your comments, John (Nowicki). I think is a marked improvement over what we saw last month in regard to density and height. But I would like to -- I would like the 4,000 square foot clubhouse. I'm starting to see the uptick here. So it's good.

So concern over -- when we get to the Conservation Board comments, it looks a little light on landscaping. Maybe between some of the buildings and particularly at the northeast corner of the site by the infiltration basin I would be interested in hearing more comment on that.

MR. CARUSO: We are looking for that feedback. Again, we're not asking for final. It's a real simple change to review the landscaping and the density on the project and we can look at those areas.

RICHARD BRONGO: Just a question, and I don't know if you can answer it, John (Caruso), but I believe this particular piece of property was part of a larger piece of property that was allowed a certain amount of density so many occupants in this particular piece of property. By cutting back on your -- on your density, which we like, but, um, in doing that, is there more property available now for another developer to come in and put some units up because you didn't occupy the total density you originally started out with?

MR. CARUSO: Not quite, but let me see if I can answer your question with a little accuracy. Yes. This is part of a PUD, and it was -- you know, the original Union Square PUD. There was some clustering and some land saving of some lands that were undevelopable to the north.

And so those were used to allow the increase in density to the south essentially. There is 648 units that are approved for construction in this area, and right now, there's 146 -- 450 remaining. So with our project, take 130 away from 454, and there is going to be 310 units left for the maximum allowable unit count to be built on Union Square proper.

Those -- those properties are off of our property, and so, um, the potential to build another 300 units on the balance of the property, if that can physically be done, would have to be done -- that's where you're trying to make the point to this Board last time, in order to do that you have to build it in a high-rise. I don't know if they could physically without sprawling. That was one of our things to you that we could stay tighter without sprawling, but if we go less density without two-story, we would have to sprawl.

I'm very proud of Jess (Sudol) and his team to be able to do this the way we have done it and still keep the separation there, but, of course, we didn't reach anywhere near the density levels that Roger Brandt would like us to have us have, because he sells for density.

Nonetheless, to answer your question, Mr. Brongo, there is more property on this PRD -- PUD and it's somewhere around 300 more units. We're not taxing it with this project for sure.

RICHARD BRONGO: Thank you, John (Caruso).

JOHN HELLABY: I got one more thing. What is the opportunity for different colors and textures, John (Caruso), similar to the three pictures you got up here? So this thing doesn't look like an Army barracks.

MR. CARUSO: You know, what, thanks for that. I didn't talk about that and -- in our presentation, but when we come back for final, we'll bring some material samples. We'll give you some colors, and we'll -- we'll tell you that we're not going to make every building the same color. So.

JOHN HELLABY: Architecturally, will they look the same, or is there an opportunity for different type textures and --

MR. CARUSO: There is.

JOHN HELLABY: -- or veneers?

MR. CARUSO: I think you will notice we're not using the same stone materials on each of the buildings. You know, not the same stone. We'll go with blue as opposed to burnt orange or something. So we'll show you those.

JOHN NOWICKI: Just a question I have. In the application it says property owners Westgate Nursing Home and Rochesters Cornerstone Group. If this was approved and completed, would Morgan own the property?

MR. CARUSO: Yes. It would be sold to Morgan Management.

MR. IMBURGIA: We already own it.

MS. BRUGG: It's already closed.

JOHN NOWICKI: Oh, okay. Thank you.

MICHAEL JONES: Nothing on the substantive.

I would just ask, Mr. Chairman, when it comes time to do the SEQR, we take the two applications at the same time.

JAMES MARTIN: I will do them simultaneously.

DICK SCHICKLER: I have a question in regards to the snow. Can you kind of go over where all of the snow is going to be piled? You know, you said it is just going to be moved one night and then hauled away another night. It seems like a lot of area here to be moved in a blizzard or something like that.

MR. SUDOL: The blade will run the actual drive aisle, similar to it would any residential street, but the actual -- the -- that's one of the reasons why we still have these dead-ends right here (indicating) is, so that they could push the snow down these long stretches, down these dead-end areas where the grade actually falls off to be their main snow storage. There is a ton of intermittent snow storage throughout the project. As Mr. Wanzenried mentioned earlier, you know, we labeled it in five definite areas, but the reality is, as John (Caruso) mentioned earlier, 50 percent of the project is actually green space. A good deal of that which could be used for snow storage. Green areas next to all of the buildings. There is green areas in between all of the buildings. There is areas in between where we actually have some of the overflow parking when it is not parked there. During the snow we could push to the other side of that. So with all of the green space on site, we do feel we have ample space for that.

Again, as Mr. Imburgia referenced in the very rare situation where we did get multiple 4 feet of snow or stuff like that that we had years ago, they do have loading that would bring it off site.

DICK SCHICKLER: Further question I have got here, it looks like if you're going to push things right down from the road and you have got landscaping at the very end, is all of the snow going to be piled up 20 feet high on top of all the landscaping?

MR. CARUSO: We'll make sure if that is the case, we're removing the landscaping from that spot.

MR. SUDOL: Landscaping is offset from the actual edge of pavement.

MR. CARUSO: I can see it from here, Mr. Schickler, that the landscaping is offset from the edge of the --

DICK SCHICKLER: Okay. And in regards to the Conservation Board, I'm just going to repeat what is on here. Our previous request for a minimum of six spruce trees to be planted along the front of the Buildings 1 and 2 to act as a sound buffer and prevent oncoming headlights from shining in these buildings has been complied with and is approved.

Just as a reminder, um, according to Pat Tindale, the seeding is an essential part of the project and should not be included in the 1 percent total project cost for landscaping.

JAMES MARTIN: Thank you, Dick (Brongo).

DICK SCHICKLER: Okay.

RICHARD BRONGO: I have one other question. Sorry.

The additional parking that you have there, do you feel it is sufficient? Almost every household has two cars, and yet you have one garage.

Is there enough room to park a car on the driveway as well as one in the garage so that they don't need additional off-site parking?

MR. CARUSO: You bet. It was very important for us that we model some of the design techniques that we use here on some of the other projects that we have recently done in this community, and that is having -- after having worked with this Planning Board to a comfortable distance of providing that so that each unit has one covered and one driveway stall, and so we have been able to provide that throughout the entire project.

JAMES MARTIN: I think the issue we had before, the back of the car over the sidewalk, and you're providing an adequate space.

MR. CARUSO: Yes. We used to do that before with a 20, 25 foot and that included the sidewalk. Now we have 30 foot and can include the sidewalk, but you still have a 20 foot stall to park in if there is no sidewalk. Or if there is a sidewalk. So there is a blow-up on the site plan that addresses that, Dick (Brongo). Specifically for you.

JAMES MARTIN: Before I take hands, I just wanted to enter into the record that I do have a letter here signed by Beverly and John Neder basically stating several issues that they have in opposition to this application. Essentially they address the density issues, some concerns about parking and -- so I just wanted to be sure that that is in the record, that I do have this letter and it will become part of the record.

MR. CARUSO: Okay. Thank you.

MR. DI VITO: Mr. Chairman, may I comment?

JAMES MARTIN: Yes. You can comment, Michael (DiVito). I'm sorry.

MR. DI VITO: You mention the equipment would be on site, service equipment. Is there a utility area, a storage building for power equipment or whatever to maintain the grounds?

MR. CARUSO: Oh. The -- that -- the question was asked to me would we have that done by on-site employees or would it be hired out, and it would be hired out. So the snowplowing, snow removal, along with lawn mowing and landscaping maintenance would be hired out.

MR. DI VITO: Okay.

JAMES MARTIN: Equipment would be brought to the site and stored on the site?

MR. CARUSO: Rather than stored on the site.

MR. DI VITO: But for -- the departments would not have a shop or any area to work out of?

MR. CARUSO: I don't know if we're including that in the clubhouse. We used to, but I don't think we have it in this clubhouse, do we? We have the overhead door and --

MR. IMBURGIA: Only thing being stored there is possibly a loader in the winter when there is heavy snowfall. Other than that, Morgan Services either comes in and performs any

maintenance needed or everything else is hired out.

MR. CARUSO: So there is no storage. There is no garage or shop right now as proposed.

MR. DI VITO: Because of the density, and which I'm concerned about, with the 130 residents, as people come and go, often times -- you're in the rental business so you know what happens. You can inherit a whole apartment of whatever and you have to deal with it. And dumpster area or someplace to put those kinds of things when you're clearing out an apartment, or how do you handle that?

MR. CARUSO: We -- we have totes. We don't have a dumpster. If -- if you have to move somebody out and have a pile of nasties, you just call the refuse company and have them come do a special pick-up.

MR. DI VITO: The -- in the event -- the rents were 1,000 to 1400. In the event of non-rentals, is it possible it could turn into a DSS facility? Not at all?

MS. BRUGG: No.

MR. DI VITO: It has happened. We had it in the County.

MR. CARUSO: I don't know how to answer that question.

MS. BRUGG: I can tell you that this is intended to be a high-end, market-rate apartment community. You asked questions about the management. This particular developer and management company owns many communities. They have a whole infrastructure of hundreds of people who work to operate and maintain these communities and to maintain the high level so they don't have these kinds of issues.

In fact, they tend to not have a whole lot of vacancies because people who have lived in a Morgan community tend to want to live in a Morgan community and they tend to feed into their own communities oftentimes so they don't really have issues with that.

MR. DI VITO: For the clubhouse, is there a common area where people can ask to use the clubhouse for a weekend for a shower, a party or whatever, that kind of thing?

MR. CARUSO: Yes. There is a conference room, a business center. There is a meeting room.

MR. DI VITO: Okay. I will jump on that. Only in terms of we just had our first grand baby, even though I have all this gray hair. We had a shower a few months back and there were 80 ladies at the shower. Parking for that kind of thing, if I -- my apartment was right near the clubhouse, I might be calling you, you know, "I can't even get into my garage."

MR. CARUSO: You're also assuming when they go to rent it, that we wouldn't appropriately ask the questions, "What do you plan to use it for?"

And, "There isn't parking for that."

And so something like that would have to be done, you know, at a more appropriate location.

MR. DI VITO: I think Dick (Brongo) pointed out possibly on the parking on the driveway, I have been over -- I had opportunity to go drive over to your Webster site, and, um, the one I did notice, especially in the afternoon, evening hours, the most -- most of the cars, two cars were in the driveways. The two cars were on the street. And most -- we all know in this country 75 percent of all garages can't get a car into them. But I know I have already bought the stroller, the car seat. I have already bought all of that stuff. So if you get my point.

And I did get the sense, as driving through there, it was very congested in the same sense, 130 apartments, if you look at two buildings, there are ten apartments in each of the buildings. The backyard looks like it is 50 feet apart. 50 feet. I'm guessing maybe that is the length of this room possibly.

Um, it -- it -- I'm -- my concern is, it's just going to be a very busy area between cars and children and yards with barbecue grills. Where does that stuff go? So I'm concerned. And it depends on your policies, of course, as land management, property management how it's all going to turn out in the end. If you sell it off ten years from now, we're going to live with it.

Thank you very much. I appreciate your answers. Very helpful.

MS. BRUGG: I guess I just wanted to summarize.

JAMES MARTIN: Wait a minute. We haven't had all of the public comment. If you -- we're not ready for summary unless you will answer a specific question.

MS. BRUGG: No. I was actually just going to comment on what we're actually here for tonight is not to talk about the use.

JAMES MARTIN: I want to get some more public input, I guess, Miss Brugg.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I distinctly heard the gentleman behind me say that there was going to be a loader on site. Where is this loader going to be put? I think we need an answer to that. Already we're talking about having things that we haven't provided for. And if you're going to have a loader, you need trucks. Now maybe, maybe you could have trucks come in to haul the snow away, but I definitely heard a loader on site. And I don't want to waltz around this any more. Words are words. That is the way it is. So I don't want this sugar-coated. Where is this going to go?

JAMES MARTIN: I also heard the comment. Is there or is there not going to be a loader on site? Because we have been told the equipment will be brought in and removed from the site. Is there an answer to that question? I'm asking the question now. Is there going to be a loader on site?

MR. CARUSO: Do you want an answer now or at the end?
JAMES MARTIN: Right now, yes.
MR. IMBURGIA: Typically snow contractor would bring it in as needed.
JAMES MARTIN: As needed.
MR. CARUSO: You will not store one.
JAMES MARTIN: It would not remain on the premises?
MS. BRUGG: Right.
MR. IMBURGIA: No.
JAMES MARTIN: It would come do its thing and leave.
MR. IMBURGIA: Typically what happens, when they need it, there's snow removal --
JAMES MARTIN: Because I did hear the comment that there would be a loader on site as needed. Is that what you were implying?
MR. SUDOL: He was implying he brought on site but temporary.
MR. CARUSO: I think we can agree we won't store a loader on site. That's what you do at a plaza. That is where loaders go to die. Good loaders, they go to die there. They have thousand hours left on them and get stuck in the middle of the plaza, right? You guys all laugh because you know I'm right.
So we don't have to have a loader sitting out in the middle of our project. There is no place to put it, but when we need it, we'll bring one in and do it.
MS. BORGUS: My next question, "as needed"? What does this mean?
MR. CARUSO: That means when there is enough snow, they would come move it out.
JAMES MARTIN: John (Caruso), go through me, please.
MS. BORGUS: As needed may turn into a fixture if we have a month of steady snow. I think you have got to tie this down. There will be no storage, even over night, of a loader on site. You know, this is -- this is the way doors get cracked open and pretty soon they're wide open.
Now, I heard about recreation and a playground was mentioned, and I would like to know where that is and what they consider a playground. What equipment would be there?
With this many children, 39 children, you know -- you know, a couple swings and a lonely slide aren't going to do the trick.
And I don't -- I looked through the paperwork in the Building Department today and I didn't see -- I might have missed it, but I didn't see a playground.
JAMES MARTIN: It's on the diagram. Next to the clubhouse.
MS. BORGUS: Next to the clubhouse. Well, there is not a lot of room there.
JAMES MARTIN: Well, I don't know what the specific equipment is going to be in there.
MS. BORGUS: But I think the Board ought to think about this. A playground can be a little. A playground can be a lot. You better define what is in a playground for 39 kids.
I also -- I notice that there isn't a garage for each apartment, but I'm wondering if somebody can explain to me how you're going to get from the low -- from the garages on the ends into the apartments.
JAMES MARTIN: I'm sure the architect has figured that out.
MS. BORGUS: Okay. I have a reason for asking. Because I'm hearing that we're going to have -- we're going to store our garbage in a tote in the garage. Well, I looked at the drawings, as well, and it looked to me like you had to come out of the garage and go around the end of the building and enter the apartment from the end.
PAUL WANZENRIED: No.
MS. BORGUS: Well, I could be wrong. I'm not an architect. But I don't -- if that's what you're going to do -- I can't see people taking out the garbage from tonight's dinner and walking around the end of the building to the front and opening the garage door to get rid of it.
JAMES MARTIN: They wouldn't have to do that. There is internal access to the garage.
MS. BORGUS: Be sure.
JAMES MARTIN: Yes.
MS. BORGUS: Be sure. The driveways, how wide are they? How long are they?
JAMES MARTIN: I will have -- I'll reserve the answer to that question right now.
MS. BORGUS: My concern is one have you heard twice here tonight already, is that -- where are visitors going to park? People do have guests. And if you already have two cars within a family, you -- even if one is in the garage and it fits with all of the other stuff that people will have, that leaves one in -- that leaves one in the driveway.
And if -- even on a double-wide driveway, the other half belongs to another apartment, so I'm concerned that as it has been brought out already, that maybe we're going to have a lot of street parking here.
And I -- the length I'm sure is enough for one car, but there again, maybe -- maybe my social life is different than yours, but it is nothing for me to have two or three people come with a car to visit at the same time. I don't know where these cars are going.
And in any apartment complex of this size, you think that there would be some overflow lots somewhere so that people could at least park away from where they will visit and walk within a reasonable distance to the apartment they're going to visit. I don't see any provision for that.
I agree there is not enough parking for that clubhouse. I think that it has been brought up twice already. If -- if somebody from the back -- back apartment now on an 11 acre site wants to go to the clubhouse, he has a considerable walk to go to the clubhouse. So my mind tells me that he is going to drive. Well, with 130 apartments, how many people can park at that clubhouse? What seven? Seven with a handicapped? That's not enough parking. This thing is very, very

short on -- on either parking or space to put a car that is driven in by a visitor.

Also, I also heard that they -- that they thought that some -- I believe they called it existing vegetation was going to separate them from other parts of this parcel.

Some -- some weed trees which I assume is what they're talking about are not going to do the trick. And if you want to see a perfect example of that, go down Union Street, right at the end of King Road, and you will see what -- what -- in that Kings Crossing what -- what natural vegetation quote/unquote looks like. It looks terrible. It does nobody any good. So I don't want them to think that they are going to leave some weed trees around the edges and that that is going to suffice to keep the problems in or the problems out.

The last time we were here, um, I brought up and the Board agreed that the -- the, um, study that was done for -- a market study was -- was not sufficient. It covered rents. It covered how much they could charge and get by. It -- it compared to other, um -- other apartments. But it didn't really clarify the need, if there was one, for more apartments in Chili specifically there.

We didn't look at surrounding towns. We didn't look at planned projects. I -- it wasn't good. I was there in the Building Department today. I did not see another market study. And from what I heard tonight, we're going -- you're supposed to just take it on faith that whoever did the other one said, "Oh yeah, it's all taken care of."

Forget it. You need a market study. You need the kind we talked about last time and it looks like it didn't get done. We need to know what is coming up in other towns. I mean, look what is going on in Riga. That is what, three, four three miles up the road. Has anybody thought about this?

You know, you need a market study. You shouldn't back off until you get one that is done right and not just a second promises that somebody is second guessing what they did the first time and wants to convince you it is the truth.

Um, we -- you're being told now they're going to add all these amenities and it's very nice and they will tell you that people love to live in their apartments, and that's all very nice, but when you get down to vacancies, I don't think that if everybody thinks these amenities are so wonderful and they're rushing to get into these apartments that they are vacating an apartment somewhere else in Town? Are you just moving one vacancy from one place and putting it in another? Still here.

This is why you need a market study, a real-honest-to-God market study, not a patch-up job and not a promise by whoever did it before that they fixed it and they thought about what you need. Get a market study that's right.

Um, I got their copies today of their answers. Passero Associates' answers to some questions that the Town had raised, and I must admit that I'm not very bright about these terms. I am wondering -- maybe you could tell me or somebody here can tell me what some of these things are.

I'm familiar with retention ponds and detention ponds, but I'm not familiar with, if you bear with me until I find it here -- I have two dated here, one April 29th. Here we go. What is a bio retention area? What is an infiltration basin? How does that vary from an infiltration trench?

JAMES MARTIN: Those are all terms used to control the quality and quantity of the runoff and drainage on the property.

MS. BORGUS: How does a bio retention area differ from a retention pond? I -- may be this is a question for them to answer. I don't know.

JAMES MARTIN: We're getting into a lot of very specific details here, Dorothy (Borgus). A retention pond usually has water standing in it all of the time. A bio retention area gets water in and it drains out.

MS. BORGUS: What is an infiltration basin? They have revised the bio retention area to an infiltration basin.

MR. SUDOL: Essentially the same thing. It's at varying levels of depth of sand in the basin.

MS. BORGUS: So the water will just sit in these until it goes away. All right.

Then I have a question about the pre -- under number -- well, I will refer to the page and then you can look it up. It's number 24. It's the letter of April 29th on page 4 of 10. It's number 24. And it says that "SMA has been revised to an infiltration basin and the appropriate pretreatment requirement of 25 percent is provided."

What does that mean? I'm very concerned about storm water over there.

JAMES MARTIN: Basically it means that we're controlling it and we're cleaning it up.

MS. BORGUS: How?

JAMES MARTIN: By the use of those facilities.

MS. BORGUS: I mean, we're going around and around on the same issue.

I'm sorry if this bothers you, but it's important to this Town and important to those people that live over there and have to tolerate this. As was pointed out, we went from an MR designation on that land Multiple Residential to this PRD, which was supposed to be a big improvement. You know what? All we're still getting is apartments. I don't see any professional buildings going up there. And I don't see any stores. I don't see anything but apartments, so this is important and I'm sorry if it bothers the Board and I'm taking your time, but I'm going to do it. So just suck it up.

Under number 22, it says, "This infiltration trench does not have an outlet structure. Water ponds in the trench and infiltrates through the soil media and into the soil."

Is this an area that is prepared to -- for drainage? Does it have sand in it and gravel? Is it like a -- what is it? Is it just a hole they dug? What is it?

JAMES MARTIN: Dorothy (Borgus) --

MS. BORGUS: Then it says, "During large" -- let me go on. "During large storm events runoff will flow over the designated stone spillway."

To where?

JAMES MARTIN: Miss Borgus, we pay a lot of money to Lu Associates for Town engineering expertise, okay? Lu Engineer looks at all of those issues.

MS. BORGUS: I know, but I'm not an engineer.

JAMES MARTIN: I know.

MS. BORGUS: Where am I to find any answers to my questions then if it is not here?

JAMES MARTIN: I rely on the Commissioner of Public Works and the Town Engineer.

MS. BORGUS: Well, I will tell you something. I -- I live on a farm and I'm subjected to runoff from two ponds, two big ponds, and I was assured both times we wouldn't have a problem. We have just spent X -- thousands of dollars to remedy that because we got -- our farm was flooded. So -- so I don't believe some of these engineers. I think they gloss it over, too.

I want to know where this water is going to go. If it doesn't soak away in this infiltration trench, where is it going? We're arranging for it to go somewhere. Where? I don't care who answers.

JAMES MARTIN: What else do you have?

MS. BORGUS: I still don't know what is the difference between an infiltration basin and an infiltration trench. There is a definite distinction in these notes as to what that is.

On page 6 of that same answers, um, it's F, but I will give you the number of the question. It mentions the one property being 11.12 acres in size and the other property is 6.28 acres in size. What other property are we talking about?

JAMES MARTIN: I don't -- we're only talking about the 11.2 for this parcel.

MS. BORGUS: In -- in these notes. It's the answer from Passero, right in their letter. I think we ought to define where this is. It is number 38 in the letter dated April 29th, and it's the answer to F. Section 4.

JAMES MARTIN: There is only 11.2 acres involved.

MS. BORGUS: It says the property is being subdivided into two properties where one property is 11.12 acres in size and the other property is 6.2 acres in size. I think it's important to know where this land is.

There is no pond. Am I to understand that? There is no pond?

JAMES MARTIN: Mr. Sudol, you can answer that question.

MS. BORGUS: I thought I saw a pond right there (indicating).

MR. SUDOL: There is no pond in a traditional sense where it holds water. Similar to the previous application I spoke to, infiltration basin has sand so it doesn't hold water and doesn't have water fowl. It drains through it.

And the other parcel is to the north and east of us which is being retained by the original owner.

JAMES MARTIN: Thank you.

MS. BORGUS: Could you point out where it is on this map, or about where it would be?

MR. SUDOL: No, not on that map.

MS. BORGUS: On page 8 of that same letter, under U, and then a double I, it said the design plans show an emergency overflow elevation of 5.74 feet for a maximum ponding of 4 to 4/25 feet.

The response to that -- by -- by Passero is, "The emergency overflow will only be used in the event of an outlet structure failure."

Where is the overflow going?

JAMES MARTIN: Probably will sheet out onto the property and be absorbed in the ground. I will answer that question.

MS. BORGUS: Well, not knowing where these -- these things are, these -- these -- these trenches, it doesn't help much.

I don't like probabilities. I think -- drainage is a problem over there so I think we ought to get this pinned down.

In here, too, there was -- there was space addressed, storage space, and one of the things that was mentioned as being counted into storage space was crawl -- attic -- attic crawl space. Is -- Passero's answer, and it is on page 3 of 5, and it's Passero's letter dated May 1. The question was about the storage.

And the response is, "The storage requirement will be met using a combination of crawl spaces in the attic."

Then it goes on with storage closets and oversized garages. It -- are these tenants going to be able to access crawl spaces in the attics?

JAMES MARTIN: Um, I don't have the architectural design in front of me. My assumption is that if there is a crawl space in the attic, there needs to be access.

MS. BORGUS: Well, the downstairs people then don't have that.

JAMES MARTIN: No. They don't have an attic.

MS. BORGUS: That's right. But a -- just because you have -- you have a roof over you doesn't mean it isn't full of trusses and what have you. Most people don't have access to a crawl space in an attic when they have an apartment.

I agree with the comment about the garbage pickup. I can't imagine everybody being responsible to get their totes out. When they have an apartment, they look for service, and I -- on the garbage day, I just can't -- I can't imagine the mess over there trying to do this.

Did the Town -- did the Planning Board go to Clay, New York to see the project that this company has there?

JAMES MARTIN: I didn't have an opportunity to do that.

MS. BORGUS: Did anybody on the Board go?

PAUL WANZENRIED: No.

MS. BORGUS: Why? They offered you a way to go.

MICHAEL JONES: Mr. Chairman, I just want to remind the Board that public comment is an opportunity for the public to comment. You don't have to answer any questions. It is simply for members of the public to share their concerns about the project to make sure you consider them, but you're not subjected to answer any questions if you don't want to.

MS. BORGUS: All right. My point is then you didn't consider because you never even looked at anything they have done. And they have offered. They were very hesitant, I think, in original to provide you with the address. The last time they did. This is a big project and we're not even going to look at what they do elsewhere? This isn't right. You people better start doing your jobs and I don't think you're doing them very well right now.

JAMES MARTIN: Remember one thing at this point, Dorothy (Borgus). They're not asking for final approvals. Some of these issues will be addressed between now and final approval.

MS. BORGUS: Will the public have input at that point?

JAMES MARTIN: Not if I close the Public Hearing.

MS. BORGUS: That's what I mean. So you say it now, or you don't get it out. I'm getting it out.

JAMES MARTIN: Well, you're doing a very good job.

MS. BORGUS: Thank you.

Does anybody know where -- whether these people will ask for any tax breaks?

JAMES MARTIN: I don't think that is pertinent to this application.

MS. BORGUS: Well, it's good to get out there to think about it.

Snow storage is -- is going to be a disaster over there. I can just see it -- this isn't Maryland. You have a lot of roadway there, and I don't know where you're going to put the snow. It looks to me, too -- I haven't seen the full landscaping plan. Obviously I'm not on that Committee, but this looks pretty sparse to me.

Did they provide a Part II of the EAF this time?

JAMES MARTIN: Yes.

MS. BORGUS: Thank you.

All I can say in summation is we have a mess over on that piece of property so far and what was promised to us from the mid 1995 I think when it was originally approved, it has not come to fruition. Nothing over there is what anybody in Chili or North Chili expected. We had promises; we had expectations. We have been severely disappointed. It is not measuring up, and now we have this -- with change of classification from an MR to PRD and all we're still getting is more apartments.

I want this Board to insist on getting a full market study analyzing the entire area, not just Chili or North Chili. You don't know what you're dealing with unless you get that.

Thank you.

UNIDENTIFIED SPEAKER: You are the voice of Chili.

MR. GALLIFORD: Can I put something up on the board there?

JAMES MARTIN: Be my guest.

MR. GALLIFORD: Good evening, Mr. Chairman, members of the Board. For the record, my name is Greg Galliford. I have been a resident on Attridge Road since September 11th, 2001. Tonight I represent my family, my wife, my two young boys. Excuse me. Grayson, age four; Grady, age two.

I'm very troubled and concerned that Morgan Management's proposal for the high density luxury complex directly behind my property is not a good fit for the character and the small Town flavor that attracted me to purchase in North Chili rather than Rush or Honeoye Falls.

I was looking at the minutes from February and it says the -- excuse me. The Assessors's report, um, says there was a plethora of existing rental units in Chili. I believe the exact number was 2,104. If these new units are said to be designed for people that are primarily already living in Chili and will not overload the suburban schools, are they truly needed?

Second, these proposals are being referred to as luxury with fairly substantial rents. I would invite you to take a walk through Union Square Boulevard to view the amount of litter, debris, especially in and around the existing retention pond. This is not something I feel would attract somebody to said luxury development.

Furthermore, it's my understanding, preexisting developments in Chili per zoning regs are eight units per acre with a maximum of ten. By exceeding the number of units per acre to 15, is this truly a luxury living environment that Chili represents?

According to an article by Mark Hare in the Rochester D & C, Roger Brandt moved from banking to development work in the 1990s. He was quoted, "I feel a greater power than me put me into affordable housing."

The article also states these subsidies come with strings. Federal, State, local governments all monitor these developments to make sure they're in good condition and it is not deferred. It concerns me that this is not currently being done with the existing projects and the proposed project with Morgan Management, if approved, will dovetail in the same manner.

Finally, I would like to share with you the results of a 12-year on-site Attridge Road study

that I just completed as luck would have it last week. There has been an influx in the amount of traffic, the rate of speed, the loudness of the vehicles on Attridge Road primarily because Linnea Lane is used as cut-through to Union Meadows.

I know a similar cut-through proposal through Kings Crossing was a concern and not approved.

Seems like garbage has been a big issue tonight in a lot of these projects. What I have up on the board there is some of the items that are discarded in my front yard, my neighbors' front yard and in the center are my boys and the Gates-Chili Post with Santa.

There has been increased foot traffic down Attridge Road. Not all, but a large percentage of the foot traffic has a tendency to contribute much of the litter problem. The display I have made is just a collection of a week's worth of garbage from my front yard. I find this very discouraging in trying to maintain curbside appeal.

In closing, I would ask you, Mr. Chairman, members of the Board, is this project a good fit for the small town family-oriented flavor that has drawn so many to Chili, specifically North Chili? What will be the impact of current property values, especially the new-builds just up the road from my property? Will residents stay or will they pack up and sell?

And finally, if this was in your backyard, would you still see it as the same luxury proposal that it claims to be?

Thank you for your time.

ROGER SMITH, 70 Attridge Road

MR. ROGER SMITH: Again, Roger Smith, 70 Attridge Road. And just took part of two days to, Mr. Chairman, to get some -- a public opinion of our neighbors and that, and that's just a small sector of opinions and signatures saying they don't want any more apartments, any more litter in their yards, any more crime, any more vandalism and all things that apartments bring.

According to these people, sure they will say luxury apartments. It's going to be luxury because they want to paint the picture that apartments are -- rental people are great people and they're going to make barriers or whatever to keep them all in.

How are they going to do that? Are they going to put fences all around our property, 12 foot fences? My shed was just broken into. Right now from -- from somebody that came through the backyard and the woods and they got away and I couldn't catch them.

But -- one other question I had, there is 130 units; is that correct?

And they're saying only 39 kids in those units. I don't get the math there at all. That's -- that's one kid for every four units. Is that -- is that possible? It's not China where only one child per family is allowed. I can't -- I don't figure that one out at all.

And many people I talked to said their kids don't even want to ride the bus any more from down in -- down in Linnea Lane and Mayflower and all around there. They say it's just -- no bus driver even wants to take that run because it's just a chaos.

So -- in summary, I just think it's a bad idea. I think there is way too many apartments in such a small area. We have Meadowbrook over there, now this, and it looks like there is lots more land, a lot more people coming to put applications in front of you guys and as he -- the last speaker just said, "Would you want that in your backyard?"

I don't think so if you want to be honest. I think it's really -- I think really you should try and appease the people that indirectly appointed you, because I think basically you're a good group. I know some of you on the Board briefly, but I think rather than appease Pittsford people, I should -- I think you should appease Chili people.

JAMES MARTIN: Thank you.

MR. SMITH: You're welcome.

ROBERT BREEZE, 14 Union Square Boulevard

MR. BREEZE: I'm Robert Breeze, 14 Union Square Boulevard.

And also the drainage issue that she brought up is a serious issue. I have had Public Works out at my house 3 times in 15 years to try to straighten it out, so the water issue is a serious issue down there.

Crime wise, the second house that built up on the street there, and crime has gone crazy. Along with all of the stuff they got -- dog poop and everything coming into your yards. Nobody picks up after themselves.

My daughter has been assaulted. I have had a friend that was mugged. The police brought the search dogs in, they tracked them right back into them houses. The police are down there three to four times a week every day. One incident had the U.S. Marshals there, the State troopers and the Sheriff's. So crime is -- you're breaking in a lot of stuff with that, too. I think that's it.

JAMES MARTIN: Thank you.

GAIL SMITH, 70 Attridge Road

MS. SMITH: Gail Smith, 70 Attridge Road.

The question was asked to these people what about their security system at the apartments? What about our security system? What do we do? How are we going to protect our homes from what is moving in? It's a shame. It's just a shame that this isn't being considered.

JAMES MARTIN: Thank you.

JEREMY SHAY CONNOR, 161 Attridge Road

MR. CONNOR: Jeremy Shay Connor, 161 Attridge Road. I would just like to add to -- I'm not technically a very negative person. I tend to be positive. I'm actually a realtor. I have been involved with three or four homes built on Attridge Road in the last year and a half. I have sold them.

I have a concern because I live on Attridge Road. I'm pretty proud of that area and it's a nice spot. We came there about 6 1/2 years ago and settled in. I'm disappointed to see what has developed. I -- I actually walk Attridge Road. Some of you may have seen me. I walk with a Border Collie up the road most days and I have done it for every year I have been -- I walk about two, three miles a day. I can tell you in six years, in the last three or four years, the amount of garbage on Attridge Road and down Linnea Lane, it's just atrocious what happened. I don't know if you folks can directly control that or indirectly. I don't think you can.

But we're -- I think it's important to speak to development here and growth in Chili and -- but I think there is some real valid concerns that has been heard tonight and I'm just saying that I agree, you know, I think it's good to have economic growth and development, but I think it's also good to think about the folks that are paying the tax bills right there and how that -- this is going to affect us living on that road and what are the property values -- what happens with property values when we see this -- this influx of all these -- this being developed, these apartments.

And the market study is a wonderful idea. I think it's something that has not been done thoroughly. Any person doing a demographic plan for a business would take that time to do a real thorough study and pay the money to get it done right so you know what you're walking into.

And the last thing I wanted to share was, you know, I was talking with a couple, um, that lived down on Attridge Road, and their son -- actually, it was Gail and Roger -- just this last year, um, parked his car, who they have been there 28 years, never had a burglary or nothing. Midday, gentleman came through and took an iPad right out of their son's Mercedes midday. This is just in the last year.

And along that same time, I have had people that have gone and pried my -- I have a walk-out basement. They have pried my basement doors open. They have done that.

My neighbor, Bill Casper, had his (indiscernible) out back. I said, no, we seen kids coming through, cutting through our yards.

So there a real problem with what is -- has gone on there in Linnea Lane.

And certainly I hope we can find a way to speak to this going forward if we're going to develop. Maybe we do look at the density factor a little closer and some of these concerns.

Thank you, Mr. Chairman.

VINCE FALCO, 94 Attridge Road

MR. FALCO: Vince Falco, 94 Attridge Road. I would just like to ask a question.

Are the apartments -- can the apartments be rented to college students? If they pay their \$1,000 or --

MS. BRUGG: If they meet the requirements of the property owner -- they have to go through a screening process, but they cannot be legally excluded --

MR. FALCO: To --

MS. BRUGG: -- by the law.

MR. FALCO: I'm just commenting it is not just families. It could be college students. It could be Roberts Wesleyan. It could be Brockport. It could be anywhere in the area. If they have these nice apartments, one person could rent it and then three and four can move in.

So I'm just concerned with the traffic. I'm concerned with the -- I'm not saying all kids are bad, but I'm just saying if people are gathered in one place, in the playground, which we have a playground, little playground now in the development that is there now and it's not -- kids aren't being in that development. There is older kids. There's teenagers. The police are always being called there.

And I'm just concerned that yes, the apartments are \$1,000, but if you get three or four kids paying \$250 a piece, then there you have four kids in an apartment. And I know. I was a college kid. I know what we did as college kids.

I'm -- so I'm just concerned about the -- the amount of apartments that are in there and the amount that could be in there with more land being purchased by the original owner.

Thank you.

CRAIG UNTERBORN, 23 Cornflower Drive

MR. UNTERBORN: Craig Unterborn, 23 Cornflower Drive.

I have to agree with him. Definitely going to be college kids that are going to try to get into there because they're not going to like the living standards of the college that they go to. They want their freedom, but yet they want to go to that college, but they still want their freedom and they won't be able to with those standards.

But by having these apartments, they're going to find loop holes to get out of there. I'm a Roberts Alum, so I know what those kids wanted to do.

It's not as Christian as they think it is.

Second, you say it's luxury apartments. Okay. What's going to happen years from now? Where are those apartments going to be? They're going to -- are they going to be subsidized housing later on because they won't be able to maintain and upkeep it?

You know, I actually went to one of your communities, Crossroads over in Spencerport. That wasn't well maintained. In fact, my wife who is deaf, when I asked them how they were going to help make sure that they could appease to her, um, making sure like doorbell flashers,

all they said was, "We'll have a blinking light just at the top of the stairs."

That's it. That shows me what Morgan is.

The other thing that concerns me is the amount of traffic. Traffic is another big concern because I come out of Union Square onto Union Street and definitely during rush hour, if you're looking -- if you're going to turn right to go towards King Road, you have that hill. You're not going to be able to see anybody flying through there. I have seen so many cars fly through there that it is going to create accidents.

Also with the luxury apartments there, that also creates a concern for the kids down over Union Square Boulevard. I see kids running into the street all of the time every single time. And I have to literally almost slam on my brakes just because they run out when I'm going the speed limit.

I have a -- I'm just very, very concerned for the kids over there if you're going to increase the amount of traffic with these apartments.

And correct me if I am wrong, but I thought the last meeting there was yes, going to be a market study done. I would like to see that before -- by you guys, done by you, not by them, what -- what other people in the area are saying about these. Because honestly, there is -- there is way too many apartments around here and there is a lot of openings.

As Dorothy (Borgus) pointed out, yes, you're going to move one person. One person is going to move out of that apartment into these luxury apartments and you still have a vacancy somewhere.

The other concern is where are you going to find -- where are these people coming from? Where?

Thank you.

STEVE MARZITA (phonetic), 106 Attridge Road

MR. MARZITA: Good evening. My name is Steve Marzita, 106 Attridge Road.

One of my main concerns lately -- well, actually for the past couple of years is the amount of traffic. I have seen people driving 80, 90 miles an hour down the road. And this is all of the time. I think it's basically because they're cutting through from Linnea Lane and they're coming down Attridge Road.

The amount of trash that is in our yard constantly.

I also think there a little bit of sugar-coating going on here with .3 children per household. I have been in property management for a little over 25 years. And I manage about 300 units. We're looking at about 200 kids. So I don't know where, you know, you get .3 kids per household.

Also, you can screen all of the people you want. They -- they can read the criteria but when they get in there, they're pretty much going to do what they want to do.

You aren't going to discriminate against anybody. You will let them in, and then whose to say what they're going to do. They're going to do whatever they want to do.

I don't think there is ample parking like Miss Borgus mentioned earlier. If you look at people having guests, it happens all of the time. You're just not going to have the parking.

That's about it. And I really hope you'll reconsider. Thank you.

JAMES MARTIN: Thank you.

MS. BORGUS: Thank you, Mr. Chairman. I just like to -- again, about this number of children, on -- and Passero's letter of May 1st on the top of page 4 in answer to a question about the children, their answer was, "As a result of the above information," and that was other -- other apartment complexes they maybe owned or looked at. There is a table on the previous page.

"As a result of the above information, we anticipate that the 85 Union Square project will have approximately 39 children between the ages of 0 and 18."

But in parentheses their math is 103 units times .3. My question is where do you get 103 units? There is 130 units. And if you multiply even 103 by .3, you get 30.9. You don't get 39.

JAMES MARTIN: It was obviously a typo in that letter. I did the math myself. I multiplied 130 by .3. I got 39.

MS. BORGUS: Well, what does that say about the accuracy of these answers?

JAMES MARTIN: Well, we all make typo mistakes, Miss Borgus.

We're not going to approve final tonight. There is a lot of issues that need to be done.

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

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

JAMES MARTIN: For the record, I will note that we do have a petition opposing the apartment complex. I didn't count all of the signatures, but obviously there is about 100 in here.

Any more discussion from the Board before we move on?

DAVID CROSS: I just like to point out, you know, certainly with the public comment tonight, maybe density is something that we should look at a little bit closer. We started out at 156 units, down to 130. So you're at 130 units per 11 acres. About 12 units per acre. Um, you know, some of the other apartment, multi-family units complexes in Town, those are about ten units per acre. Maybe 10 -- 10 units per acre is more appropriate for this site. So I would just ask the applicant to look at that.

JAMES MARTIN: I also comment on the market study, we did have a consultant at the

applicant's expense study the market study that had been provided to them. The -- the consultant that we hired in their analysis of the market study, there were a few areas they were in disagreement, but in general, I believe they felt that the absorption rates that were being proposed in the market study that the applicant provided to us were attainable and that -- that was an objective evaluation of the market study that was done initially.

So I feel somewhat comfortable based on that independent and objective analysis by the consultant for the Town, that -- that there is probably not a lot of holes left in that market study.

Anything else from the Board?

At this point, we have Part II of the full environmental impact form. What I would like to do, as usual, I do when I have a full EAF is to go through Part II question by question. Answer each one as we go along with any discussion or input from the Board and side table on any of the issues that are in here that may need clarification.

So the first question in Part II is the impact on land.

Will the proposed action result in a physical change of the project site? The answer is obviously yes at this point.

John Caruso I heard you say that this project is slated to be completed within one year. Because one of the issues is if construction will continue for more than one year or follow one phase or stage, it's a small impact, if anything. But I am not sure where, you know -- it is going to be one year? I would answer that yes, but it's not going to have any major impact on --

MR. CARUSO: Yes. It's going to be completed in one phase. Um, the duration exactly --

JAMES MARTIN: Could exceed a year?

MR. CARUSO: Could exceed a year so you could say small to moderate.

JAMES MARTIN: I would say it's safe to say yes, but small to moderate.

Will there be an effect on any unique or unusual forms found on the site: Cliffs, dunes, geological foundations? There are none, so the answer to that is no.

Impact on water. Will the proposed action affect any water body designated or protected under Articles 15, 24, 45 of Environmental Conservation Law? There are none, so the answer is no.

Will the proposed action affect any non-protected existing new body of water? The answer is no.

Will the proposed action affect surface or groundwater quality or quantity? There will be a use of more than 20,000 gallons per day. That's a small impact on this as far as the groundwater quality and quantity is being addressed, all right, by the SWPPP, and in conjunction with working with the Town Engineer. So the answer to that is yes, but it's a small to moderate impact.

Will the proposed action alter drainage flow or patterns for surface water? That is being addressed by the SWPPP. The expectation is that there will be no significant impact on that, and the answer there would be no.

Impact on air. Will the proposed action affect air quality? Not to any substantial degree. The answer would be no.

Impact on plants and animals. Will the proposed action affect any threatened or endangered species? No.

Will the proposed action substantially affect non-threatened or non-endangered species? No.

Impact on agricultural land resources. Will the proposed action affect agricultural land resources? There is none in the area, so the answer is no.

Will the proposed action affect aesthetic resources? You know, such as, um, you know, mountains, things like that. The answer is no.

Impact on historic and archeological resources. Will the proposed action impact any site or structure of historic, prehistoric or paleontological importance? And the answer is no.

Impact on open space and recreation. Will the proposed action affect the quantity and quality of the existing future open space or recreational opportunities? Essentially no.

Will the impact -- impact on critical environmental areas. Will the proposed action impact exceptional or unique characteristics of a critical environmental area established pursuant to Section 6 NYCRR 617? The answer is no.

Impact on transportation. Will there be an effect on existing transportation systems? There may be more cars but no impact on the systems. So the answer is no.

Impact on energy. Will the proposed action affect community resources for fuel or energy supply? The answer is no.

Noise and odor impact. Will there be objectionable odors, noises or vibrations as a result of the proposed action? And there may be some slight during the construction phase, but in general, the completed project would be a no.

Impact on public health. Will the proposed action affect public health and the safety? The answer is no.

Impact on growth and character of community or neighborhood. I answered yes to this. The development will create a demand for additional community services such as school, police and fire. Probably a small to moderate impact as far as that particular aspect goes.

Likely to be public controversy related to the potential adverse environmental impacts? Probably no.

Now, in going through that, I want to make it clear to the Board that the review applies to both the subdivision and the preliminary site plan approval.

Are there any issues that would change any of the answers related to both of the

applications from what I just went through?

JOHN HELLABY: I don't see any.

JAMES MARTIN: Okay.

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, and in full review of Part II of the EAF, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: We have before us two applications. We have completed the SEQR review process for each.

For the record, I will read into the comment from the Fire Marshall. Secondary access was addressed. It was a comment about additional hydrants needed and sprinklers are going to be required throughout the apartment buildings including the attic space. Um, and you have provided, um, access to the apartment through two -- to an access point.

Also multiple dwelling use permit will be needed to be obtained from the Fire Marshal.

That's his comments.

As far as conditions go, there will be no storage of loader on site at any time.

Um, completion of the project, the applicant shall submit Landscape Certificate of Compliance to the Building Department.

Approval is final approval of the Town Engineer/Commissioner of Public Works. Town Engineer and Commissioner of Public Works should be given a copy of any correspondence with other approving agencies.

Applicant shall comply with all pertinent Monroe County Development Review Committee comments.

It is subject to approval by the Fire Marshal.

Anything else?

JOHN NOWICKI: Have we heard from the Traffic Safety Committee on this?

JAMES MARTIN: On this one? David (Dunning)?

DAVID LINDSAY: Not yet, Jim (Martin). I think at the last meeting we didn't have the most-up-to-date plan. I think it just came in like the day before the Traffic Safety meeting, so I don't think they looked at this yet.

JAMES MARTIN: So for final review we'll have input from the Traffic & Safety Committee.

All right.

JOHN NOWICKI: We'll want to see it before then.

JAMES MARTIN: We'll get that.

JOHN NOWICKI: Architectural Review?

JAMES MARTIN: I don't think it is subject. According to our code. It's not subject.

Okay. Given the conditions that I have just read, I'm going to vote first on the preliminary subdivision.

JOHN NOWICKI: You're applying these things to this particular plan that is in place before us this --

JAMES MARTIN: The particular plan we have in front of us tonight is what we're voting on. Now, this could be changed between now and final. It's possible. But what we have in front of us tonight is what we are voting on.

JOHN NOWICKI: There's -- you know, there's issues here that have to be addressed, I think. And they have been discussed tonight. I certainly would like to see a -- a review of all these issues that we have talked about tonight rather than make a commitment indicating that this thing is going to go forward the way it is based here, on what we see. There is going to be changes made here. I think.

JOHN HELLABY: I understand your concern, but I guess I'm not grasping what all of the issues are, sort of engineering issues. Trust me, I -- I can understand the frustration of all of the people in the audience.

Unfortunately, we cannot judge this applicant on your existing neighbor's situation. Um, it might be unpleasant, but the problem is, we have to weigh each one of these on their own merit. So unless it's an engineering thing that we ask the Town Engineer to do, I can't see where we can -- we got a lot of stuff to review other than, you though -- they're getting preliminary and they're going to come in with colors and things like that and some moderate changes here, but I can't see where there is a lot of changes.

DAVID CROSS: Al (Hellaby), if I may. I think density is still an issue. I think they could reasonably drop a couple units. Some of these units are very close to each other, particularly in the middle of the site. We haven't talked about the -- a setback off of the main drag there. You know, I mean, we're using 45 feet based on other similar, um, apartment units in Town. But, you know, there is maybe a little wiggle room there.

JOHN HELLABY: But don't I recall there being something in the zoning on this, as far as the density, they -- I mean, they can have this density, can they not?

JOHN NOWICKI: Can they?

JOHN HELLABY: Sure they can.

DAVID CROSS: It's site plan issues.

JAMES MARTIN: We have been through that density issue.

JOHN HELLABY: That's been round and round.

JAMES MARTIN: Right. This is PRD zoned. The Board has a lot of discretion over setbacks in a PRD zoned area.

Um, so --

JOHN NOWICKI: And again --

JAMES MARTIN: I understand your concern.

JOHN NOWICKI: Again, the issue of the -- the need. You know, is -- is the market study saying we need this? Is it needed?

JAMES MARTIN: I have to fall back on what our consultant gave us as far as their analysis of the market study. They said the absorption rate probably will be met. I mean, you know, the developer is putting a lot of money at risk here. They're not going to build this if -- they have a viable project.

JOHN NOWICKI: I'm familiar with the companies involved. They're very reputable companies, very reputable people. It's just the concern I share with the people, not only in the area, but in other parts of the Town I heard the same complaints and the same situations. We all know that. We have all heard them before. And I'm just -- this is -- could be a very attractive project, but I think there are some areas that haven't even discussed -- especially around the Community Center whether you need more parking there, more space or whatever the case may be.

And the snow storage is another area, trying to get that -- to get that dealt with. There is a lot of driveways here that have to be cleaned out and maintained. Um, I just hope everything is wide enough and big enough. And the parking for visitors and people that come here and want to stay.

I think this thing we want to be a little careful here, that's all.

JAMES MARTIN: Other discussion? Okay. Well, I have read the conditions and gone through the SEQR process.

On the preliminary subdivision?

So we're not -- we're not going to ask for any waiver of final tonight, but on the preliminary subdivision, if we can move forward with that at this point and --

JOHN NOWICKI: Subject to.

JAMES MARTIN: Well, it's subject to the conditions that I have read, okay?

On the preliminary subdivision, Paul (Wanzenried)?

DECISION: Approved by a vote of 4 yes to 2 no (Wanzenried, Nowicki) with no conditions on subdivision approval. The Public Hearing on this application was closed.

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

JAMES MARTIN: On the preliminary site plan, we are not waiving final at this point. And I think, as part of the discussion, part of the feedback to the applicant and the applicant's engineer, you know, we need to look at the parking situation as far as the overall site goes, we need to look at --

JOHN NOWICKI: Those are my concerns.

JAMES MARTIN: -- other issues that were raised here tonight, but overall, I don't think there is going to be a -- dramatic changes.

So on the preliminary site plan, we are not waiving final.

The vote on the motion was 3 yes to 3 no (Wanzenried, Nowicki, Cross).

DECISION: Unanimously tabled by a vote of 6 yes to table the above described application to the June 11, 2013 meeting.

A formal review of Part II of the full Environmental Assessment Form was conducted. Upon completion of the review, the Board finds this application to be an Unlisted Action and have made a determination that there will be no significant environmental impact resulting from this project. This decision was based on information supplied by the applicant on the Environmental Assessment Form and/or evidence submitted at a Public Hearing. The vote on preliminary site plan was 3 yes and 3 no (Wanzenried, Nowicki, Cross). Therefore, there was no approval or denial. The Public Hearing on this application was closed.

JAMES MARTIN: We're tied 3/3. So we do not get preliminary site plan tonight.

MS. BRUGG: This is an unusual situation. We would like to ask the Board to reopen the Public Hearing. I actually believe we can answer some of your questions tonight. We did not respond to some of the neighbor comments, and I think we might be able to give you some of the information.

JAMES MARTIN: In the interest of the fact that it is a quarter to 11, um, we are getting tired, okay? I think we're in an area of diminishing returns. You -- we still have one more application to handle tonight, Miss Brugg. My preference would be that you have two choices. Okay? We can convene a special meeting of the Board to address those concerns, or based on the fact that we were not able to get preliminary site plan approval, it will be off until the June meeting. That is my preference right now. We're at the point where we're at diminishing returns and I don't really like these meetings to go past 11 o'clock. So I will apologize for that, but that's

where I'm at.

MS. BRUGG: Okay. But I do hope the Board understands we will answer your questions because I think we actually just didn't get a chance to --

JOHN NOWICKI: I'm looking forward to that. We want to work with you. I would like to work with you.

MS. BRUGG: Okay.

9. Application of Roberts Wesleyan College, owner 2301 Westside Drive, Rochester, New York 14624 for preliminary subdivision approval to combine 5 lots into 1 lot to be known as Roberts Wesleyan College Subdivision at properties located at 15, 17, 21, 23, 25 Orchard Street in R-1-15 zone.

JAMES MARTIN: As I also noted, due to the fact we don't have County Comments on Application Number 9, I'm going to make a motion that we table the application.

JOHN HELLABY: Second.

DECISION: Unanimously tabled by a vote of 6 yes to the June 11, 2013 meeting due to the fact that Monroe County Department of Planning and Development comments had not been received prior to the meeting.

8. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for recommendation to rezone approximately 1.6 acres from R-1-15 (Residential) to PID (Planned Institutional Development) at properties located at 15, 17, 21, 23, 25 Orchard Street.

Ed Martin was present to represent the application.

MR. ED MARTIN: Good evening -- or is it good morning? I'm not sure.

My name is Ed Martin. I'm an engineer with Landtech here tonight representing Roberts Wesleyan College and their application before you.

It was disconcerting to hear DRC did not provide their comments in time. We understand the legal ramifications of that. But we do understand that you're able to hear our application for a referral to the Town Board to initiate rezoning. The project is rather straightforward. It's approximately 1.6 acres in an area on the west side of Orchard Street.

I'm sure you're all familiar with the properties, several of the homes on those existing lots have been demolished in the last --

JAMES MARTIN: Please. There is an applicant making the presentation. If you want to have a conservation, take it outside. Thank you.

MR. ED MARTIN: Several of the homes in the existing lots have been demolished within the last four years or so.

The Roberts Wesleyan College, as you know, has experienced tremendous growth and success in the last -- well, I have lived in Chili for coming up on 25 years, and over that time it's grown tremendously. You have all witnessed that. So they're in need of additional parking.

So what we're proposing is to rezone those five lots to PID and to combine it with the College's PID zoning at this time. As you noted, it is currently zoned R-1-15. The -- the use will be for a parking lot to be used by students and I suppose faculty, if needed.

The PID, as I understand it, gives them a certain amount of flexibility in terms of the number of handicapped spaces, so we don't specifically designate those. They're able to apply them as needed in response to student and faculty demand.

We have received comments from the Town Engineer. I don't presume to -- that you want to hear me go into those tonight. We are asking that you are -- refer us to the Town Board so that we can initiate the rezoning process.

With that, I would welcome any questions that you would have.

JAMES MARTIN: Since we're not really dealing with site plan issues, I don't think we need to go into any of those tonight.

MR. ED MARTIN: I understand.

JAMES MARTIN: Essentially what we're dealing with, does this make sense, all right, from the Town perspective to make a recommendation to the Town Board to rezone this from R-1-15 to PID to incorporate it into the campus PID overall plan. That's what we're here to basically address.

JOHN HELLABY: I'm good.

JOHN NOWICKI: I'm good. We lost half our side table.

MR. ED MARTIN: They told me they were fine with it before they left. (Laughter.)

JAMES MARTIN: They don't vote.

Michael (Jones), I mean, we'll address site plan issues and engineering issues when we have a site plan. Since this is just a rezone recommendation.

Dick (Schickler), same thing, okay?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CINDY STELTZ, 11 Orchard Street

MS. STELTZ: Cindy Steltz. We have lived at number 11 Orchard Street for 41 years. I have lived in the Town of Chili my whole life. I've worked three separate times at Roberts Wesleyan. I currently serve on the Nursing Division Advisory Board there, so we have a very good relationship with the College.

I would just ask the Board as they go forward with this to really consider some of the issues with the site plan. That property is quite elevated from the land behind it so there are liable to be drainage issues, snow removal issues, lighting issues.

We live directly across from the new Golisano Library. There is a parking lot to the north of that. We were promised that there would not be lighting issues even with the down lighting. Because of the elevation being higher than our properties on the west side of Orchard, there is quite a bit of light pollution. We see a lot of light in our upstairs bedrooms from that parking lot.

I also would like clarification from the College as to whether this is going to be restricted to commuting students or residential students? That makes a huge difference in the timing of traffic on the street and in and out of the parking lot. Prior to the library, um, there was a parking lot directly across from our driveway. There was traffic in and out 24/7.

Cars running in the middle of the night. Students supposedly, according to the Resident Director, studying in their cars in the dark. Um, not sure what they were studying. I have a feeling I know.

But I know that most of the parking lots on campus currently are not restricted one way or another. And so students can park anywhere on campus. There is also the safety issue of students crossing the street because all of the campus buildings are on the east side of Orchard Street.

Um, currently at the top of Westside Drive there is a crosswalk for students who live in the dorms on the north side of Westside. The students do not always use the crosswalk. They cross anywhere along there and if you have driven along that stretch of Westside Drive, um, it can be -- I -- I mean, I feel it's very dangerous not only for drivers but for students, because the lighting is not always adequate.

Um, it's going to be a little different issue on Orchard Street because it is not an east/west road. Um, but I do feel there is a need to look at the lighting issues, the noise issues.

Um, when will the parking lot be plowed? The parking lot across the street from us is often plowed at 4 or 5 in the morning. There is still residents on the street, believe it or not, even though we're a few.

And the lot sizes on Orchard Street, it's an old street. Um, our lot is only 66 feet wide. I believe our neighbor's is the same, so this parking lot is going to be less than 70 feet from our home with one home in between. Um, we do want to have it still be somewhat of a neighborhood, not just a parking lot right next to us.

So those are my comments.

JAMES MARTIN: Thank you.

TED ROY

MR. ROY: Mr. Chairman, my name is Ted Roy. I have been in the community for 52 years. Came as a freshman to Roberts Wesleyan College, have lived in North Chili on Orchard Street for 22 years. Both my wife and I are graduates of Roberts Wesleyan. So we are not here as -- in opposition, but we have concerns.

I own two properties, 27A Orchard and 27B Orchard and my wife and I own 23 Sunnyside which is directly behind.

The issues we have, many of which have been expressed by Cindy (Steltz) already. Um, but it's still a residential neighborhood. The houses have come down. People have chosen to move as a result of offers, deals made by the College to buy out, to sell out.

The deal made to me was not good. My properties are income properties. I'm retired, and the rents from that represent a substantial portion of my retirement income.

So I look at the situation, and I say, "Okay. How close is that parking lot going to be to my property?"

I think our property is 60 feet wide. On -- on Orchard Street. And it goes back, I don't know, 200 some feet. But I'm concerned how close is that parking lot going to be to my rental property? And how is this going to affect my ability to rent the property?

The lighting, the noise, everything that has been mentioned is a concern of mine.

The other is -- or another is, the declining property values. I think you know the Assessor -- I have a letter right at my desk in my office that the Assessor wants to increase the assessment on my property thinking it is worth so much more. I'm thinking it will be worth so much less if there is a parking lot sitting right over there, right next to the house.

I'm also concerned about green space. Okay? Am I going to have wall to wall in these properties of parking lot or is there going to be some -- some provision made if it's adopted, and I'm presuming it will be, what will -- what will it look like? Will it look like the College Pearce Memorial parking lot, right there, that's all there is? Or what will it look like?

Cindy (Steltz) has mentioned lighting. I'm very concerned about water. What will happen to all of the water? What provision will be made for that? Where will the snow be piled up?

Right now I don't have any water problems in any -- on any of my properties. But I'm very concerned about that. What is going to happen with the water? Okay. Is it going to be put onto my property where I will be in the same position as -- as the vocal lady here who has had to spend thousands of dollars to take care of that. That should not happen.

I'm also concerned about noise control. I rent primarily to families with little kids, and,

um, I don't want them to be disturbed. If they're disturbed, then I am out income. And at this stage of my life, I'm concerned about that.

And along with that, just quality of life issues for -- for the tenants.

You know, I was a college student. My wife was a college student. We lived across the street from college students. We know some of the things that go on in parking lots, and even though the College and the Church would like to have Orchard Street, I think, disappear right now, there are residential areas. There are homes there. There are families there. And eventually my wife and I will move back to one of these houses, so that we can be close to the college and so we can be close to the church and so forth.

But we have these concerns, and I think they ought to be addressed, and neighbors ought to be contacted to see if there are any other issues that need to be discussed. Appreciate your time. I know it's late.

JAMES MARTIN: Thank you.

MR. ROY: Betty, did you want to say anything?

UNIDENTIFIED SPEAKER: No.

JAMES MARTIN: Just a comment, this Board basically does not have the legislative responsibility to make a rezone happen. We would recommend to the Town Board, okay? They -- they have the final say. So a lot of the things that you have said to us tonight will have to be readdressed to the Town Board at the point in time when they are considering the rezoning application, okay? So just to make it clear, we don't have the authority to rezone anything. Okay?

MR. ROY: Will we be advised when that will happen?

JAMES MARTIN: Yes. The Town Board will hold a Public Hearing just like tonight, and so at that point in time, your comments would be appropriate to the Town Board. Okay?

MR. ROY: Okay. Thank you.

PAUL WANZENRIED: They get letters, don't they? Don't they get notification letters?

JAMES MARTIN: Yes. They would get notification letters.

So at this point, we're going to address whether or not we feel appropriate -- it's appropriate to recommend to the Town Board that they give consideration to rezoning the property on Orchard Street from R-1-15 to PID as it becomes part of the Roberts Wesleyan complex. That's what we're going to vote on, okay? So there is no SEQR or anything involved. That is handled by the Town Board. Okay?

So at this point, "yes" or "no" on making a positive recommendation to the Town Board on a rezoning. "Yes" or "no." "Yes" means positive, yes. "No" means no.

DECISION: Unanimously approved by a vote of 6 yes to recommend approval of the proposed rezoning request. The Town Board will be notified of this decision by copy of a decision letter. Applicant must now petition the Town Board, through the Town Clerk's Office, to set a Public Hearing before the Town Board on this rezoning application.

JAMES MARTIN: So we will make a recommendation to the Town Board that they give consideration to this rezoning application and then it's their responsibility to make a final determination.

FOR DISCUSSION:

1. Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for preliminary site plan approval to install a campus parking lot at properties located at 15, 17, 21, 23, 25 Orchard Street in R1-1-5 zone.

DECISION: Preliminary subdivision approval was unanimously tabled by a vote of 6 yes to the June 11, 2013 meeting due to the fact that Monroe County Department of Planning and Development comments had not been received prior to the meeting. It was also decided that discussion of the proposed site plan would be held at the next scheduled meeting.

The meeting was adjourned at 11:03 p.m.