

CHILI PLANNING BOARD
July 8, 2008

A meeting of the Chili Planning Board was held on July 8, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

ALSO PRESENT: Ken Hurley, Town Engineering Representative; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Fred Trott, Traffic Safety Committee Representative.

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

JAMES MARTIN: I recognize Paul Bloser, who is with us tonight, Chairman of the Zoning Board.

Under public hearings, basically we'll be hearing the first three public hearings concurrently tonight.

PUBLIC HEARINGS:

1. Application of Buckingham Properties, owner; 1 S. Washington Street, Rochester, New York 14614 for resubdivision approval of two lots into one lot to be known as Buckingham Properties Subdivision at properties located at 100 & 102 Beaver Road in L.I. zone.
2. Application of Home Trends, c/o Buckingham Properties, 1 S. Washington Street, Rochester, New York 14614 for preliminary site plan approval for a change of use in portion of building to allow a warehouse/distribution use with retail sales at property located at 100 & 102 Beaver Road in L.I. zone.
3. Application of M & E Warehousing, c/o Buckingham Properties, 1 S. Washington Street, Rochester, New York 14614 for a change of use in portion of building to allow a warehouse/distribution use at property located at 100 & 102 Beaver Road in L.I. zone.

Darryl Malbone was present to represent the applications.

MR. MALBONE: Good evening. My name is Darryl Malbone from Buckingham Properties, Project Manager with the company.

Application Number 1, basically there is two parcels there that we're trying to combine into one tax ID number. That's really the gist of those. They're separated -- they have two different tax ID numbers. We're trying to combine them to make them one to make it easier.

JAMES MARTIN: Anything else?

MR. MALBONE: No. That's it.

JOHN HELLABY: Can you show us on that map, because it was a little misleading as to exactly what is getting combined into one lot? Is it the entire thing?

MR. MALBONE: Parcel 1 and Parcel 2 are on the same tax ID number. The building itself has a different tax ID number than the parcels. We're trying to combine everything, the building and the parcels under the same tax ID number, because this land is presently owned by COMIDA.

JOHN HELLABY: What is that strip that goes up towards the left of the building and kind of across the back that seemed to be cut out of there?

MR. MALBONE: This (indicating)?

JOHN HELLABY: No. It ran up alongside the building. I don't know if it shows clear on the other maps.

KAREN COX: Is there a road?

JOHN HELLABY: This dotted line right here, (indicating)?

KAREN COX: Tax map dimension line it says.

JOHN HELLABY: I think it's on that map. You see this dotted line right here (indicating)? I cannot figure out what that is.

MR. MALBONE: I don't know either. That's got to be the portion that is -- a different tax ID number, I'm sure.

JOHN HELLABY: Is the part that COMIDA has a hold of?

MR. MALBONE: Yes.

JOHN HELLABY: That makes sense.

JAMES MARTIN: I don't know if everybody in the audience heard that. Just could you -- could you just explain that?

JOHN HELLABY: On this site map there is actually a portion that is shown with dotted lines up the left-hand side of the building, which I believe is the west side of it. And then across the back, which I believe was denoted as the COMIDA-held section of the entire parcel. I don't think COMIDA had the entire parcel.

KAREN COX: That's the one --

JOHN HELLABY: But that is rolling all into it.

MR. MALBONE: For some reason the L-shaped sliver had a different tax number, for some reason.

JAMES MARTIN: So there is no more COMIDA interest in the property now?

MR. MALBONE: No.

KAREN COX: The purpose of doing it is to have one tax ID number for the entire --

MR. MALBONE: Yes, just to consolidate everything.

JAMES MARTIN: That does include that small parcel on the other side of the railroad?

MR. MALBONE: Yes.

JIM POWERS: A couple of questions I would like to ask: Is the parking situation over there -- I was over the other day and there were a couple of pretty good sized tractor-trailers parked in the -- where you would park -- ordinarily park vehicles.

MR. MALBONE: Yes.

JIM POWERS: I don't know what the traffic movement is going to be in and out of this project, if you're going to stack tractor-trailers in there or what?

MR. MALBONE: Tractor-trailers? Full-sized tractor-trailers? Yes, they do come on site. That is part of their main distribution.

JIM POWERS: Where -- if you get busy and have a number of them in there, where will you park them on this particular site?

MR. MALBONE: Usually it is not that backed up. It might have been somebody who came through the night and was parked there or sleeping there, but the place was closed. On the west side of the building there are eight to ten docks there, plus they can pull around the back, behind the buildings until one of the docks open so none of the traffic lanes are congested.

JIM POWERS: There are about eight bays there, I think in the front.

MR. MALBONE: There is eight on the east side, and I think there's more than eight -- I think there might be eight on the west side, as well?

JIM POWERS: Will you use all of those bays?

MR. MALBONE: Home Trends uses eight on the west side and M & E uses the other ones.

JIM POWERS: You will use all of them?

MR. MALBONE: They currently do, yes.

KAREN COX: What -- so they're using the -- they're warehousing stuff there now?

MR. MALBONE: Uh-huh.

KAREN COX: What types of things are --

MR. MALBONE: Home Trends is a mail order catalogue, like -- I don't want to say widgets, but -- it is hard to explain. Just odds and ends things.

KAREN COX: That is what M & E Warehousing is?

MR. MALBONE: M & E Warehousing is a distribution for appliances, mainly Home Depot. They ship their appliances throughout the area stores for them.

KAREN COX: And the -- there won't be -- the customers that go to the Home Trends, the retail store, would park over on the west side of the building?

MR. MALBONE: Yes.

KAREN COX: There wouldn't be any issues of pedestrian safety, would there?

MR. MALBONE: That -- there is probably four or five people that go in there during the day. Most of -- 90 percent of those people are employees that work at Home Trends.

KAREN COX: Okay. That is all I have.

JOHN HELLABY: Part of the confusion is on this application, it says the size of the parcel is 4.884 acres. You're actually telling me it is 154.5 acres.

MR. MALBONE: For everything, for the total parcel. The part that -- the L-shaped strip is four --

JOHN HELLABY: That is all being combined into the one thing?

MR. MALBONE: Yes.

JOHN HELLABY: So technically it should be the whole thing.

JAMES MARTIN: You probably haven't had a chance to see this yet, but we have several comments from the Town Engineer regarding the site plans themselves. We'll get you a copy of this letter, but there is handicapped parking that should be labeled on the plans. Parking calculations need to be provided to make sure you're in compliance with the code.

There is a couple of other comments on here. I guess, you know, those are a couple of key ones regarding the parking situation. So I think again, get a copy of this, and be sure that you meet all of the requirements that have been listed here in this letter from the Town Engineer.

MR. MALBONE: We haven't changed anything or taken away or added anything, so it hasn't changed when Case Hoyt had it. We still have to map all that out, parking calculations and handicapped and all of that.

JAMES MARTIN: In other words, get together with the Town Engineer and verify you're meeting all of the requirements here. This applies to both M & E and Home Trends?

MR. MALBONE: Okay.

JOHN NOWICKI: M & E and Home Trends; they occupy 100 percent of the building?

MR. MALBONE: Yes, between the two tenants.

JOHN NOWICKI: Okay. Any potential or future plans that we should know about in regards to retail activities?

MR. MALBONE: No, not at all. If anything, the retail vanished or got taken in by the rest of the Home Trends or -- distribution.

JOHN NOWICKI: As far as the truck traffic goes, is that operated on a 24/7 basis, or is there a limit to --

MR. MALBONE: They only have one shift at Home Trends, so -- I think it is 8 to 4, or something like that.

JOHN NOWICKI: What about M & E?

MR. MALBONE: M & E also has one shift, same hours.

JOHN NOWICKI: I just wanted to review again, and maybe Chris Karelus over here, the handicapped parking, is the handicapped parking in place and designated on the site properly?

CHRIS KARELUS: There is some spaces that do need to get signed properly. I think the posting of signs behind, minor improvements, but they do have, I think, four spaces that I'm aware of designated towards the front of the store, front of the retail end.

JOHN NOWICKI: So we have to bring that up to speed.

MR. MALBONE: Yes.

JOHN NOWICKI: The parking calculations should be provided. Have they been provided for, and do we have enough parking there for retail space and for employees? Do we?

MR. MALBONE: I'm sorry, what was that? I was writing down a note.

JOHN NOWICKI: According to our code, do we have enough parking in there for retail and employees?

MR. MALBONE: I'll have to find out what those calculations would be.

JOHN NOWICKI: That's a condition. The other one I would like to talk about a little bit is the State Building Code. Has anybody inspected that building to meet fire prevention, any of the codes, the State building codes?

CHRIS KARELUS: Technically the permits need to be in place at the planning measures. This is a preexisting condition, so this is one of those we're --

JOHN NOWICKI: My concern is the fire protection.

CHRIS KARELUS: We're working with the owner after tonight's process. We have to have planning and approval prior to any permits being issued on the project.

JOHN NOWICKI: I want to make sure that the Fire Marshal had gone in there and looked around and make sure that we can access that site in case of emergency.

The existing signage is the same. Do you have any proposed signage, anything like that?

MR. MALBONE: No.

JOHN NOWICKI: One other question. On your letter here, it indicated that the purpose for this request is to change the existing manufacturing and fabrication use to a warehousing and distribution use for a portion of the building that is occupied by M & E. Why do you say "portion"?

MR. MALBONE: One for each tenant. One was for M & E, and one is for Home Trends. Between the two of them, it's the whole building.

JOHN NOWICKI: That is why I wanted to clear it up. Okay. Thank you.

JAMES MARTIN: And again, information for the audience, the applicant was granted a Land Use Variance for these operations that we are hearing here tonight by the Zoning Board of Appeals so that there is no issue regarding this particular activity within this Limited Industrial Zone.

GEORGE BRINKWART: With regard to the 6.9-acre lot to the north, do you have a means of accessing that, like an easement across the CSX property?

MR. MALBONE: It's completely landlocked.

GEORGE BRINKWART: It's completely landlocked?

MR. MALBONE: Yes.

GEORGE BRINKWART: Do you see it worthy to see if you could secure an access easement to see if you could access it?

MR. MALBONE: We don't have any plans to use that property at all. It was part of the package when we purchased the building.

GEORGE BRINKWART: We talked a little bit about truck traffic. Did the trucks that currently access the site now, the previous operation, would those trucks be about the same size that you will be using for your new operation?

MR. MALBONE: Yes.

GEORGE BRINKWART: My question was, that had you looked at the turning radiuses off from not only Beaver Road, but internal to make sure a semi can negotiate all of that?

MR. MALBONE: That was part of the whole site plan drawings we went through to make sure everything was up to speed. I think that will be part of the issues I speak with the Town Engineer about to make sure all of that is up to snuff.

DARIO MARCHIONI: Pertaining to Home Trends retail, is there hours of operation?

MR. MALBONE: Yes. They are open from 9 to 2, I think, I believe.

DARIO MARCHIONI: I saw an ad that Monday, Tuesday, Wednesday and Thursday, 10

to 5. Friday, 10 to 6.

MR. MALBONE: You know better than I do. I'm assuming that is correct.

DARIO MARCHIONI: But it says it's operating right now.

MR. MALBONE: Yes.

DARIO MARCHIONI: Those hours?

MR. MALBONE: Yes.

DARIO MARCHIONI: Okay. That's the only question I had.

JOHN NOWICKI: I just want to come back to you with another question. The present building that -- that is occupied by M & E and Home Trends, you have to the east a lot of vacant land.

MR. MALBONE: Yes.

JOHN NOWICKI: Any proposals or thinking along those lines of what that is going to be considered for in the near future?

MR. MALBONE: Right now I don't think there is anything in the works, but at that time I am sure we'll approach the Building Department or whoever we need to speak to to make sure everything goes accordingly.

JOHN NOWICKI: What is going to be done with the existing branches that are piled up near the roads?

MR. MALBONE: We're working with the Town on ways of getting rid of those, whether shipping them outside, grinding them or burying them. We plan on removing all that brush.

JOHN NOWICKI: You have Terry Tree Service down the road there.

MR. MALBONE: Keep it local, right?

CHRIS KARELUS: Received the County DRC comments on the project. I will review them with the Board just so they're aware.

County noted that the national wetland inventory, the federal wetland map record indicates two wetlands exist on the site. State DEC had a comment with respect to the stream side that exists on the property limits. County Clerk's Office came back with normal questions and -- on the filing procedure with the Clerk's Office. So what I took the opportunity to do is review some of the wetland maps and see what, in fact, they were speaking to. They have what is called intermittent stream, a seasonally wet stream that is on the property. This project doesn't have an impact to it, I feel, so in making whatever decision you make this evening, this is probably taken care of, the DRC comments are taken care of.

We have received complaints in Town with respect to the stumps and everything that was left over from the tree clearing. Conversations I had with the owner, he agreed that there would be clean-up involved. If the Board sees it fit, maybe a condition of the approval tonight, the Building Department could work with the owner to see that gets followed up. Everything else on the site is pretty much a preexisting state.

If I could speak to parking, we have been on the site probably a half a dozen or so times with the owner to bring him here this afternoon. What I can tell you in its preexisting condition, normally with reuse projects like this, you look at the scope of the project, and more than anything, the qualifying letter from the owner satisfies the Town in these situations.

With respect to the reuse on the 250,000 some odd square foot building, it's very hard to get that parking met, but what we have seen is there a surplus of parking on this site. At least in the Building Department's perception there is adequate parking for the uses that are on the plan this evening.

JAMES MARTIN: On the stump pile removal, if we put that in as a condition, have you had a discussion regarding the period of time within which that may occur?

CHRIS KARELUS: I know they have been quite cooperative about getting the -- getting it back to the vegetation established after the clearing operations. I would say through the summer. The summer, into the fall I believe he can get it accomplished with the owner.

JAMES MARTIN: So should we give them like a six-month window to get it out of there?

CHRIS KARELUS: I would say 60 days would be generous. Within a couple months' time, I'm pretty --

JAMES MARTIN: What is going in the field right now? I think it looks like a grain crop.

CHRIS KARELUS: Oats.

JAMES MARTIN: So they will be harvested sometime within the next 30 days, I don't know, 45 days?

CHRIS KARELUS: A lot of it will get disposed.

JAMES MARTIN: I will be a little more generous, 90 days to get the stump piles removed.

CHRIS KARELUS: We'll work with the owner on that.

JOHN NOWICKI: To the west of the buildings, between the buildings and the apartments, there is a sign sitting out there, "property for sale, Buckingham Properties."

MR. MALBONE: Is that a leasing sign?

JAMES MARTIN: For sale or lease?

JOHN NOWICKI: Is that just for that particular parcel?

MR. MALBONE: It's for the site.

JOHN NOWICKI: We're showing the whole parcel here. That is not a specific, distinct site.

MR. MALBONE: No, for the whole site.

JOHN NOWICKI: It is for the whole site. Okay. Thank you. I just wanted to make sure.

KEN HURLEY: No additional comments. The only thing I would expand on is dealing

with the Town site plan requirements. Just so the Planning Board knows and if -- as I review it, that it is okay to ignore the -- or actually give a waiver for the items that don't really apply for this. There is no outdoor site work being done, no utility work. All of that stuff is a site plan requirement by Town Code. Just if it does get approved today, I think maybe you might want to make it a condition or ask Mr. Malbone if he would like to ask for a waiver from the Planning Board for those items so that it would be available without...

JAMES MARTIN: Okay. We'll discuss that. I -- I agree. I mean there is no earth being moved, there is nothing happening over there. I think we would certainly be in a position to waive those requirements under the site plan approval as it relates to drainage issues, et cetera, et cetera.

JOHN NOWICKI: He mentioned that in the letter.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: With regard to the grain that's planted on that land in question, is it clear that that is going to be harvested? I assumed that was just a cover crop and it would be left, it would just be left to reseed itself partially. That's usually what is done.

JAMES MARTIN: You wouldn't use oats.

MS. BORGUS: I don't believe it's oats.

MR. MALBONE: I don't know what we're doing with that. I don't know if someone is using that for their crops or that is what was there after it was cleared.

KAREN COX: It was seeded with something.

MS. BORGUS: It's grain. I don't think it's oats. Okay.

This gentleman mentioned that he was working -- or they planned to work with the Town to see what could be done about the stumps. I just would like it clear, and in the record, that the Town should have no financial responsibility for cleaning up those stumps, nor any responsibility for providing a mechanism in any way.

JAMES MARTIN: I don't think the Town would bear any financial responsibility for that. That's not our property. The applicant will pay to get the stumps removed.

MS. BORGUS: Just the way the gentleman put it, I just thought that should be clear in the record.

JAMES MARTIN: I will add on that existing stump piles shall be removed within 90 days at the expense of the property owner.

MS. BORGUS: Now, the other thing that I would like to discuss is the fact that he, this gentleman said no additional signage would be requested. Signs have been a problem on that property for a long time now because of that store, and there's been sandwich boards out there repeatedly advertising the fact there was a catalogue store open. They have been put back many, many times and I'm sure the Building Department has picked them up many, many times. I'm just wondering if we're not planning on any additional signage, how they plan on advertising that catalogue store in the future because the sandwich boards obviously is a situation that can't continue and just because they're given approval through the channels, proper channels here to have that there, I want it clear that they can't put out sandwich boards indefinitely, that those are illegal in Chili. Just as long as they understand that so when he says he is not coming back for additional signage, maybe he should rethink that.

Thank you.

GEORGE PETERSON, 18 Beaver Road Extension

MR. PETERSON: There is no plans for once everything is up and operating of this going to a second shift or around-the-clock operation at this time?

MR. MALBONE: No.

MR. PETERSON: And also, you had spoke something on -- you were mentioning a list of comments and you reviewed two of them. You said you had a complete list of comments. I'm just wondering if you could share those with us, if it is not too lengthy.

JAMES MARTIN: I have already covered the parking, you know, situation, that the plans need to be labeled. We need -- Mr. Karelus has already verified that there is adequate parking on the property for the current activity.

There is some -- we have talked about -- I'm reading the requirements. Providing a waiver for non-applicable requirements since there is no digging, no anything else going on on the site, and we just talked about the signage issue. I know that the Building Department, I have seen them sitting over there myself, picked up those sandwich boards several times. If the applicant, I think, is going to think about future signage on the property, then, you know, that needs to be brought forward, but at this time you're not planning any future?

MR. MALBONE: We have no plans.

JAMES MARTIN: Okay. And then certainly the plans -- the plans should note location of customer parking, customer entrance and provide a safe means of access separated from the warehouse and related truck traffic. So those are the comments.

MR. PETERSON: Thank you.

James Martin made a motion to close the public hearing, and John Nowicki seconded the motion. The Board was unanimously in favor of the motion to close the public hearing.

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

James Martin reviewed the proposed conditions with the Board.

On Application Number 1, 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.

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

1. Pending Town Engineer approval. Applicant shall comply with all comments in the review letter.
2. Applicant shall comply with all Town Code parking requirements.
3. Applicant shall comply with all permit processes.
4. Existing stump piles shall be removed within 90 days at the expense of the property owner.

JAMES MARTIN: They have paid their fee to waive final on this. Is it the pleasure of the Board to waive final?

The Board indicated they would waive final for this application for the preliminary site plan application.

On Application Number 2, 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.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 with the following conditions:

1. Pending Town Engineer approval. Applicant shall comply with all comments in the review letter.
2. Applicant shall comply with all Town Code parking requirements.
3. Applicant shall comply with all permit processes.
4. Existing stump piles shall be removed within 90 days at the expense of the property owner.
5. The Planning Board waives all non applicable site plan approval requirements.

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

The Board indicated they would waive final on Application Number 3.

On Application Number 3, 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.

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

1. Pending Town Engineer approval. Applicant shall comply with all comments in the review letter.
2. Applicant shall comply with all Town Code parking requirements.
3. Applicant shall comply with all permit processes.
4. Existing stump piles shall be removed within 90 days at the expense of the property owner.
5. The Planning Board waives all non applicable site plan approval

requirements.

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

4. Application of Wegmans, c/o Arthur Pires, P.O. Box 30844, Rochester, New York 14603-0844 for preliminary site plan approval to erect a four-story office building totaling 400,000 sq. ft. and 2 one-story additions totaling 2,552 sq. ft. at property located at 249 Fisher Road in L.I. zone.

JOHN HELLABY: Mr. Chairman, I would like to step down on the next application as I am employed by Wegmans.

JAMES MARTIN: Yes, you may.

Art Pires, Frank Sciremammano, Garth Wintercorn, Bill Holthoff and Mark Johns were present to represent the application.

MR. PIRES: Good evening, Mr. Chairman, members of the Board.

Once again, thank you for having us here for preliminary site plan approval and also for your conceptual review on June 10th. If it would please the Board, what I would like to do is just present an overview of the project. And obviously the Board is familiar, but for those in the audience and the citizens that haven't seen it, it would present an overview and then we can talk about supplemental documents that have been provided to the Board and address any questions the Board may have, and last but not least, summarize what the application is for.

Before I begin, I would like to recognize a number of the site design team members we have this evening. At the close of conceptual review on June 10th, I did announce the firms. I would like to give specific recommendation -- or acknowledgment rather to the professionals over to my left in the front row. Startling from your left to right, Dr. Frank Sciremammano of FES Associates, Garth Wintercorn of Costich Engineers, Bill Holthoff of Consulting Services and then last but not least Mark Johns of Bergmann Associates.

As read into the record, it's preliminary site plan approval. The whole intent of the 400,000 square foot building expansion is to consolidate work spaces of employees that we have in Monroe County for the purpose of an enhanced working environment, as well as to provide growth for our corporate offices here. It's -- if you can look at the board, and I believe you have from a conceptual review meeting a number of exhibits. The exhibits off to the right are one in the same, and I will walk through those.

Starting in general with this aerial in the middle, this is a nice overview. You can see the complex. For the sake of orientation, in this case north is up, which is the bottom of the board. South is at the top, a little atypical from the site plan, which we'll get to in a second, but from an aerial this is a great representation of the existing development. Off to the left we have Fisher Road. Off to the right, which you really can't see at this point here, is Chili Avenue. Our Wegmans Market Street north extends at this location. The original Market Street, which intersects with Chili Avenue, is along this path here (indicating). Existing offices in this location right here (indicating) at the -- the southeastern end of the building is the proposed location of the new 400,000 square foot building expansion. Three of which would be -- 400 -- four levels of 100,000 square foot each, three of which would accommodate the 620 existing employees that Wegmans has in other offices around the County, bringing them out to this site, which would then complement the existing 680 employees at this campus.

As you can see from this, and the noting of the location of the new building, it's centrally located for all practical purposes in the center of the Market Street complex. A little more orientation, Jet View Drive to the south of the property, our westerly property line and to the west of that is Lexington Avenue.

MS. KRETZER: Parkway.

MR. PIRES: Excuse me. Thank you. Lexington Parkway.

North of us you can see the heavily treed area here (indicating). We have the location of the New York State lands for general reference also approximately in this location (indicating), we have a town line, this being the division between Gates to the north and Chili to the south (indicating).

That gives just a general overview of the plan and existing campus.

Off to the right we show a phasing plan. Once again, the existing building, office building, the proposed building, the proposed expansion to the east, and we have in the blue area, we're proposing initially, whether it be fall of this year or spring of 2009, the construction of our parking field. Once this is in place, we can then basically replace the parking that we have here (indicating) in the location of the proposed office expansion. The folks here once again start the construction. The general time frame of the construction is obviously if -- the building is all dependent on approvals, both by the municipalities as well as permits from the governing agencies, and last but not least, Wegmans' own building design team which we continue to develop, but we're not quite there yet, and actually that is really not a problem for us since we're still in the preliminary phases.

What we have also is off to the right in a lower end is a reduced copy. We have sight lines right through the property. If I might just bring that up to the top.

MR. PIRES: I won't go in detail, quite frankly, at this point. Suffice it to say, if the Board has any questions on it. What it does show from various vantage points through the property,

primarily starting from Fisher Road, once again looking at any large exhibit here, this is Fisher Road here (indicating). We're looking at a westerly direction through the site. That would be for the sake of showing the degree of magnitude of the height of the proposed building. For the audience, you can see the existing building in the lighter brown. The proposed in the darker brown. We have the tower at this point here (indicating), and then we have our warehouses. The point -- and this is Fisher Road over here (indicating). We certainly can't even depict the size of a human being just -- first of all, we're trying to get everything to scale both vertically and horizontally on the plan. It gives an accurate representation of the sight line from Fisher Road and then it also does it from Fisher -- excuse me, from Lexington Parkway also.

The key point being the distances from Fisher Road, Lexington Parkway and relative heights to the existing building towers and warehouses, we propose that it's definitely within scale for this project.

We also have, and the Board has exhibits of the same, we have photo simulation photographs here. The first one on the left, once again, we are on Fisher Road, on the smaller scale you can see that point here and I will bring it up for the sake of the audience. We're approximately up in this location on Fisher Road (indicating). Looking southwest, again, you can see the existing conditions and I think you can see the existing conference facility off to the left. The photograph on the right is an actual photo shop implementation -- we brought in the proposed building, four stories high. Once again, we propose that there is no certainly significant impact on the community with that.

The other exhibit to the right, for the sake of the Board to see the existing facade and materials. We're proposing at this point in time to mimic the materials in that building as well as the basic design. That's not to say at some point we'll come back to the Board for an enhanced design, but we can assure the Board it would be nothing but an enhancement if we go to that point, but we haven't designed it at that point. At minimum you will have a duplication of the existing materials and design standards. With the supplemental materials, and I trust the Board probably hasn't had a chance to review it unless you really enjoy reading late at night -- we do appreciate the Board and staff accepting the materials on Friday, this past Friday before the holidays, recognizing, and we believe this is the case, but certainly the choice of the Board that this hearing would remain open both for the environmental review considerations as well as time to digest the volume of materials that you have in your package there.

But briefly, it's the environmental impact statement which is -- the whole document is a consolidation of reports from our various design team put together by FES Associates. We have Part 1, a draft of Part 2 and 3, the engineering report, traffic, geotechnical, drainage, as well as the exhibits that we're reviewing to date.

As far as the Conservation Board, we understand that they had a meeting. We do have their review comments. Our intent was to appear before them should they have an open schedule on August 4th. At that time we'll address the specific comments they have during the review. We also intend, should the Board have an opening, to appear before the Architectural Advisory Committee on August 14th to talk a little more detail of the proposed building. However, once again, there really won't be a lot to look at other than the existing, which will be those photographs there.

If I might, at this point, just a quick qualification. I was reviewing the minutes of the June 10th conceptual review and I appreciate that. I just want to make sure for the sake of the Board, on one point or two points, I did speak to Fisher Road that with this new proposal here, once again, existing building, new building, new parking field, along basically the district line between the General Business and the fields to the right, that this existing driveway off Fisher Road will remain there; however, it will be gated at the end as an emergency gate. That is what I was referring to. I think the question in looking at the notes was specific to the Jet View Drive.

The market -- Wegmans Market Street North is an internal private driveway serving our parking feeds for the distribution center. Folks have heard and it was on record as of -- during our June 10th meeting, the talk about a project that is being under the supervision of Monroe County DOT, which would be the Jet View Drive Extension up through and tying into our western parking field. I did answer -- I think there was a question of would we be tying into it and I just want to clarify Wegmans will not be doing that.

Subsequently another Board member raised the question of the status of that project and I did clarify and I will do it again today. That project is not Wegmans'. It's separate and distinct from our application. However, with that, if and when it is in place, we'll certainly, as the rest of the traveling public, have access to it and would utilize it, although we have no specific need for it. So that's it as an overview. If there is any questions, I would be glad to address those with the Board. If they get very technical, that is what we have our design team for.

JAMES MARTIN: Just -- you touched on it, and to have the clarification, we're opening the public hearing tonight on this particular project. Due to the fact that at our previous meeting we declared our intent to become lead agency for SEQR, it's a Type I project, requiring a coordinated review, which then entails a 30-day period within which people either agree or disagree that this Board would become lead agency on this particular application, and the 30-day clock is essentially not going to close until, I believe, the 12th of July. So, therefore, tonight, due to the fact we will not be able to make a SEQR determination on the project, we will not be officially voting on this particular project tonight, but we will open the public hearings and I will keep the public hearing open, and I believe, Art (Pires), you're scheduled to be back next month for -- for preliminary approval at that point in time, and by then, we would have all of the appropriate information in place regarding the SEQR process and we would be in a position to

make a strict determination at the next Board meeting in August. So just to clarify that for everybody that is here, so you will not be hearing us vote formally on this particular project tonight.

Regarding that, thank you very much for the environmental impact assessment. I did have a chance at least to read the executive summary and some of the sections where there are perhaps some environmental impact as a result of this particular project. It didn't seem to be anything of any great consequence. It looks as though the traffic analysis was done, you know, very conservative numbers. Hopefully the mitigation that is proposed, the sequencing with the lights is going to get that one LOS from an E up to a D level at least. That was one concern I had as I went through here. To date, we have not received a lot of responses on the coordinated review. We have received a response from -- if I can find it here in my records, the Water Authority had no problem with us being lead agency. The State DOT had no problem, but they want the coordination, obviously as far as the traffic study impact on the 33-A I believe it is at that point.

We did get a fairly lengthy response from the New York State Office of Parks and Recreation and Historic Preservation, and I don't know, Frank (Sciremammano)?

MR. SCIREMAMMANO: We haven't seen that yet.

JAMES MARTIN: I don't know if you have had a chance to see that yet or not.

They have listed a couple of things in here that probably you need to take into account as you move forward with the project. I don't think there is anything of any show-stopping consequence, but it's the usual, you know, boilerplate response that you get from that particular agency, so they do want some coordination with their office on this particular application.

MR. PIRES: Mr. Chair, would copies be forwarded to us then, or should we expect it from them?

JAMES MARTIN: Let me just check to be sure. We'll get you a copy.

MR. PIRES: Thank you.

MR. SCIREMAMMANO: We can come and get it?

JAMES MARTIN: I can give you this one right now. We have other copies.

MR. PIRES: Thank you.

JAMES MARTIN: There was a comment from the County. I think you have already touched on that, regarding the fact that you're one mile from -- west of the Runway 10 threshold and several hundred feet north of the extended runway centerline. The aircraft operations related to Runway 1028 will pass over the subject area not unlike existing conditions at other offices on the Wegmans property. Applicant need to file an FAA Form 7460-1 for the project and more specifically for any cranes that might be utilized in the construction of the building. In addition, the applicant will need to notify and coordinate construction with Greater Rochester International Airport. So --

MR. PIRES: We will certainly touch base and keep the Board notified.

JAMES MARTIN: And Costich to get a copy of this.

As far as the rest of the County Comments, to date, basically they're the typical boilerplate comments you get from the County around water main extensions, ba da be, ba da ba.

That kind of brings everybody up to date on comments we have gotten back as far as our concept review in June. There are comments from the Town Engineer. I don't know if you have gotten a copy of that.

MR. PIRES: Yes, we did receive that today. Thank you very much. We'll certainly -- a quick review of those, certainly not a problem with the -- with following through on all of those points.

JIM POWERS: Just a couple of questions. Once the new complex is built, will the occupants of that building begin their workday at the same time and depart at the same time?

MR. PIRES: As a general sense, yes. There is certainly different departments come in at different times. As today, it is not a strict start of day 8 to 5. The vast majority, it -- those are their work hours. So as a general statement I would say the vast majority would be in that same time period, yes.

JIM POWERS: I'm the culprit, I guess, that asked about the connection with Jet View with the Wegmans complex, and the answer to the question was no.

MR. PIRES: Yes. That's where I -- I apologize for that, and in reading the notes, it seemed like I jumped with the question all of the way over to the Fisher Road driveway. I thought that is what you were referring to. That is why my intent there today was to clarify the point in addressing your question specifically, which I did later on with Ms. Cox, but more specifically to you, that it is not our project -- there is a project proposed for that. I can't speak to specifics because it's not ours; however, if and when that is connected up and it becomes a -- one contiguous drive there, Wegmans, as all others, would take advantage of that or as need be.

JIM POWERS: I happen to be reading here, I got the traffic and I read down through there and said, whoa, that is interesting.

MR. PIRES: I apologize for mishearing the question last time.

JIM POWERS: Did Wegmans enter into an agreement or contract with the County of Monroe to do a study for this connection?

MR. PIRES: What has happened there, because the County is aware of our application and our schedule, the thought was rather than duplicate traffic studies and -- we would feed them information as far as our current employees, where they live, based on our zip code information, no names or addresses, just zip codes. They took that information and fed it into their applications, their traffic distribution, applications for traffic analysis, so they have that. They will be coming, as it's my understanding, out with the traffic study. What we have and what the

Board has is part of the supplemental reports. It's a traffic letter report from Stantec Engineering -- Stantec Consulting Services, which basically speaks to the traffic flow, very conservative number where we took the existing number of employees, doubled it and utilized that number for the traffic flow with the Chili Avenue, Market Street traffic. We did not account for any Jet View Drive because we're not presuming that is a project. We're separate and distinct from that. What may happen is if and when that happens, those that are currently using this driveway, if they're coming from the south, they might utilize this access. It might be incremental using both the north and the south.

Summary, in discussions with -- informal discussions with the County DOT, as well as our traffic professionals, there might be a balanced way out. What I mean by that, there might be a split of the new employees and existing that utilize the north, if you will, Chili Avenue, Wegmans Market Street driveway or the Jet View Drive access. In summary, it's very conservative numbers we use and it shows it continues to operate very satisfactorily.

JIM POWERS: Who does the construction once this came to a reality?

MR. PIRES: The Jet View Drive extension?

JIM POWERS: Yes.

MR. PIRES: That is under the direction of the Monroe County DOT and the Town of Chili.

It's not ours. I can't say who would actually be doing the construction. It would not be Wegmans because it's not our project.

KAREN COX: It would go out for a public bid.

COUNCILMAN POWERS: Public bid?

KAREN COX: Yes.

COUNCILMAN POWERS: The reason I brought that up, the neighborhood, Lexington Parkway has long been very concerned about connecting Jet View, and running a driveway parallel to Lexington behind them, and I'm sure that you will probably hear from a couple of them here this evening.

MR. PIRES: I can appreciate that. And here again, our simple response is that it's not our project. Certainly we're aware of it, and my understanding is that the County will be approaching the Town in the very near future, but I can't speak to any specifics because it's not our project.

JIM POWERS: Thank you. I appreciate it.

KAREN COX: I haven't had a chance to read, anyway, through the entire impact statement. I was out of Town.

MR. PIRES: Don't forget the CD back at the back of the geotechnical report. Dr. Sciremammano was kind enough to put it on a CD.

KAREN COX: Somehow taking it to New York City was not on my priority list. I did what Jim (Martin) said, looked at the executive summary and the traffic and the one question I had was about the signal level service aspect. So that was answered.

JOHN NOWICKI: Basically the same thing. I know you have architectural things coming in and other details to follow up on. I just wanted to make sure, did he get copies of the comments from the Building Department, Chris Karelus?

MR. PIRES: I'm sorry, Mr. Nowicki?

KAREN COX: Those are in.

JOHN NOWICKI: Do you want to go over those now?

JAMES MARTIN: Well, certainly I think we have discussed a lot of these, but go ahead.

JOHN NOWICKI: Just that we have some comments here, and -- area variance will be required for the project parking areas to include parking count, parking 50 feet from the building entrance --

There was a request from the audience to use the microphone more.

JOHN NOWICKI: -- area variance as well for building height, to be 73 feet at its highest point based on preliminary building plans. Variances do not appear to be out of character with the project of this scale. The Architectural Advisory Committee -- you mentioned you will be meeting with them in August.

MR. PIRES: I believe it is August 14th.

JOHN NOWICKI: We have gone through the Monroe County DRC comments. Other than that, that is pretty much it, right Chris (Karelus)?

CHRIS KARELUS: Yes.

JOHN NOWICKI: So at least --

MR. PIRES: In specific those comments about parking, whether it be before this Board or the Zoning Board of Appeals, certainly we'll be having discussions as we progress and more specifically also speaking with the professionals in your departments regarding that.

JOHN NOWICKI: Absolutely. Thank you very much for presenting the project as it is. It is very well done and --

MR. PIRES: Thank you. Pleasure.

GEORGE BRINKWART: Last time you were here we talked a little bit about drainage and that the existing storm water detention facilities were designed for your build-out. I haven't had a chance to go over all those numbers, but I was just wondering if you could briefly discuss how you're planning on updating what you have to meet the current requirements.

MR. PIRES: Right. Right. The overall development of the parcel, basically our entire acreage, the 147 acres, the southwesterly pond a couple years back, we actually expanded it to

account for the New York State DEC Phase 2 regulations and with that we had proposed and built the design based on a full build-out of this development. When I mean full development, we took, quite frankly, the maximum area allowable by code conceptually, with the impervious area, Costich Engineering ran the calculations and we sized the pond accordingly. So that does accomplish every all -- all full development and obviously with that, the proposed 400,000-square foot building. I did see a comment from the Town Engineer and certainly we'll comply with that, just came out, that relative to the water quality -- because 80 percent of this development feeds down south to the southwest corner storm water detention pond. The other 20 percent roughly starting in this locale, heading east, it currently drains -- open swale drains to a dry pond in the area of the ball fields and then to the -- further to the east and then to Little Big Creek and actually they both drain at Little Big Creek. The point being the Town Engineer, if I recall his comment, currently there is an existing storm water facility here that accounts once again for the Phase 2 water quality regs, and there is a request, and we'll certainly abide by that request, for a slight enhancement of that storm water basin for the water quality. That addresses it.

GEORGE BRINKWART: You said that you have approximately over 600 employees that will be coming to the site?

MR. PIRES: Is that correct?

GEORGE BRINKWART: Does that pretty much reduce the number of employees you have off site? I mean is this going to be pretty much your central gathering point?

MR. PIRES: We're getting to consolidation. We're maintaining our offices on 1500, and this will certainly bring a number of employees that we currently have in leased buildings around Monroe County. So the vast majority of them are coming from leased spaces, and we're at the end of our lease, we'll bring them to our site. That accomplishes two things. Obviously we provide more of an enhanced work space for those employees coming from the leased areas, as well as 1500 where, quite frankly, it's a little over crowded, so we want to provide a little more enhanced work space environment and allow for future growth.

DARIO MARCHIONI: Art (Pires), I was wondering if I may ask, a project of this magnitude, what is the overall figure on something like this? Also, what type of impact would it put on the labor force?

MR. PIRES: Approximately, at this point, in preliminary design we're looking at a \$40 million project, five of which would be site improvements, which is substantial certainly for the site, which speaks to not only the quality of all of our pavements, site lighting, landscaping, the project in total. The building then would be the 35 million, approximate numbers.

As far as local work force, certainly we'll be having a good number of employees working on construction of the building. I don't have that figure right now, unfortunately. But as we get closer, I will certainly provide that information to the Board. But there will be a good number of employees there.

JIM POWERS: Going back to this road again. You probably can't help me on this. Who would be responsible, for example, snow removal, if once this Jet View extension was completed?

MR. PIRES: Once again, I can speak only in general because it's not Wegmans' project, but my understanding is that it would ultimately become a Town road and thus become the responsibility of the Town. Here again, I can't speak for the Monroe County DOT. I can't speak for the Town, but that's the general information which I have heard and I believe the relative parties are accepting of me stating that as a general statement.

JIM POWERS: Now, if this be the case, how much of the road system on this project, on the Wegmans property would become Town roads?

MR. PIRES: It would be -- on our property, that being the Wegmans property, it would start at the southern line, all of the way up through and to Chili Avenue. That would be dedicated to the Town of Chili.

JIM POWERS: Would it also include the intersection of Westside Drive and Chili?

MR. PIRES: No.

JIM POWERS: The road system --

MR. PIRES: Correct. Westside Drive is just off the map over here (indicating). This is the original Market Street (indicating). This is Market Street North again (indicating). So this would remain private. All of the cross roads and internal road networks remain private on Wegmans' property with the extension of the location when we cross the lands of National Grid and RG&E, which is this -- basically the corridor right here (indicating).

JIM POWERS: Thank you very much.

MR. PIRES: You're welcome.

CHRIS KARELUS: I have taken a chance to look at the plans, the water design. Talked to the Fire Marshal, talked to the Marshal's office, the design for the system as far as the site improvements goes seem adequate and acceptable to the Fire Marshal. We have looked at the access with respect to the emergency means of access, second means of ingress, egress. It's adequate, meets the State and the Town's requirements. As part of the building plan, sprinkler systems, detection systems and the like will have to be expanded to accommodate the project and we're in ongoing review with the engineering reports that have been submitted.

Outside of that, no general comments came back from the County for the purpose of this being a public hearing. The County has a Development Review Committee. I think the only comment that really held merit, they had a comment with respect to the traffic study. That is part of an environmental assessment review this Town has to do in addition to our plan review. There

was a comment with respect to the water main system, so County Water will have a review process in this plan.

There was also a question on the filing of the map. I don't -- or correct me if I am wrong, I don't think there is a change of lot line or subdivision map with this project, so that really doesn't apply, and the first comment they had was with respect to the project site in relation to the airport. They have to file a special FAA permit for this project. Again, this is a standard practice for any type of project within the close proximity to the airport. So really, nothing really defeating, if you will, for the project, more along the lines of standard stuff.

MR. PIRES: Mr. Chairman, if I point to the point of the County's comment on traffic, it is my understanding that the Stantec traffic letter was provided to the Board this past Friday which followed the County review comments, so we're hoping that once they see that, they will see that we have addressed the traffic comment in their review letter.

KEN HURLEY: No additional comments.

JAMES IGNATOWSKI: All I got to say is that back on June 17th, Wegmans was kind enough to give us a preliminary heads-up what they plan to do, and I will just read what our response was.

With regard to the Wegmans office park expansion, due to limited viability of the project and with relation to its immediate surrounding landscaping, my recommendation to the Board shall be -- is that the expansion is within keeping of the surrounding aesthetics. So basically what we saw at preliminary looks fine.

PAT TINDALE: I will just save my questions and comments for August when you come to our meeting.

MR. PIRES: And if I might, Mr. Chairman, again, the current set of plans do have more detailed landscaping plans than originally submitted, correct, Mark (Johns)? If you need any more copies, let us know.

PAT TINDALE: We had questions on quantities, just preliminary stuff.

MR. PIRES: I can assure the Board and your Committee that the landscaping will meet or exceed certainly what we have today on our campus.

FRED TROTT: Traffic Safety Committee didn't get a copy of the traffic assessment report. If we could get a copy of that.

MR. PIRES: We can certainly get that directly to you. I will have it to your office tomorrow.

JAMES MARTIN: As I said earlier, we'll open up the public hearing tonight. There will be no vote tonight. We'll keep the public hearing open until such time we do vote on the project.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MARLENE KRETZER, 56 Lexington Parkway

MS. KRETZER: I have some questions. Some of the neighbors cannot make it tonight, so I have their questions. But I would like to say first to Wegmans that you did a beautiful job in the Gates area and the landscaping in front of Niagara Mohawk looks very nice.

Now, as Mr. Powers and you mentioned that the County and the Town is doing the study on the Jet View Drive stuff, where does Wegmans stand since it's private property to let the Town and the County maybe to put a road through private property? Are you going to give them that area?

MR. PIRES: We will make a land donation for that, that's correct.

MS. KRETZER: Okay. And then given, too, that road will be built through Wegmans property, and you just said where Wegmans stands on it, wouldn't this road pose a threat to the security of the Wegmans street complex with all of the additional traffic that would be driving through? As far as schools putting up more security, malls are putting up more security because of Homeland Security, here is our major food, and you're going to be letting the public drive through that from not just the Town, but through other -- from places -- since Target is going to be built, Walgreens, trucks can't use Chili, they have to go down into Wegmans or Target. Now you have trucks that will be used by Spector, delivery trucks that will be going off, coming down to Paul Road. So you're putting a lot more traffic onto Paul Road because they will be using that road.

So I mean here you got a major food supply for Rochester, where you're -- where you do bake goods there, you do storage of frozen foods and so forth and now you will let the public onto something where -- with Homeland Security and everything being built up now, to me it seems like, you know, you're taking a risk. You're letting public property there. People are going to over there. You know that well. Bicycle riders. You never know what happens. Wegmans closed here because they found an unidentified package.

So what benefit would this be to Wegmans besides cars coming into the parking spots where they will be trying to get out onto that road with tractor-trailers coming in, other cars coming in, so it's going to be quite a danger to people coming out of the parking spots, too.

MR. PIRES: I can address that. We did actually internally with our security, a/k/a Loss Prevention Department, have extensive conversation with them about that, and the bottom line is that this road, once again, will be dedicated to the Town. It will be their responsibility. The proposal is that the driveway will be -- these parking fields will be separated. We will be eliminating these two access points from the driveway to this currently internal private drive, so that access point will be eliminated.

So what will happen is this road here (indicating) internal will come down at the north end

of the parking field. So you will basically have an internal service road paralleling the Town private road, and with that, we're proposing to put fencing along here (indicating) so our campus would have additional campus -- excuse me, fencing to separate our property.

MS. KRETSER: So then it would be the Town that would be taking care of the berm, and what about the fence that you have up against the berm? Would that come down?

MR. PIRES: Should the Town be accepting of that land, yes, that would be the responsibility of the Town.

MS. KRETSER: How would you plan to insure, the Town, how would you plan to insure the quality of life for the Lexington Parkway area residents with all of the increase in noise pollution this will bring to our area, because actually, if this goes through and the Town okays it, placing a road directly behind us, you are essentially creating an island surrounded by roads.

JAMES MARTIN: Just a comment, Wegmans is not doing this. Art (Pires) has already indicated this several times. This is a County project. That project should be posed to the County.

MS. KRETSER: Is there going to be --

KAREN COX: There will be a public information meeting.

JAMES MARTIN: That -- there will be public hearings on that particular project. Since, you know, that is where it is at right now, I don't expect Mr. Pires will be able to answer that question.

MS. KRETSER: So then with -- with the noise, it wouldn't be Wegmans who would be asked -- if people were asking to put one of those stone noise barriers right on top of the berm to help cut the noise? That would be up to the Town of Chili then?

JAMES MARTIN: It would be a County project, yes.

KAREN COX: Those types of questions would be not something that Wegmans would be answering. It would be something that the public would and should bring up at the -- you know, probably going to be a public hearing or at least a public information meeting. And if this -- at this point that project is in early -- it's in planning stages. When the time comes to hold a public hearing or a public meeting, um, there will be notices that are put up here at the Town. The County mails out invitations to affected property owners, so you will find out about the time frame.

MS. KRETSER: Now, also on the Fisher Road area, since that road will not be used, because that was part of the -- when Wegmans first came in a long, long time ago.

MR. PIRES: Just to make sure I get the right roadway so I don't create the same mistake.

MS. KRETSER: There is no future intent to take those ball fields and rezone that land?

MR. PIRES: We don't have a current. I can't say never, just as any application.

MS. KRETSER: In other words, those people on Fisher Road, maybe in 1,000 years coming down, you could use that and have buildings.

MR. PIRES: The best I can do is speak in all sincerity to the current plan, we have no current plans to change the ball fields.

LORI FINCH,

MS. FINCH: And I do live on Fisher Road. I guess I'm a little confused, because I thought I heard Mr. Martin say in reading something from the document that the building is going to be 73 feet high; is that correct?

JAMES MARTIN: That was a statement from Mr. Nowicki. There would have to be a height variance I believe for the building, which is handled by the Zoning Board of Appeals, not this particular Board. Okay?

MR. PIRES: If I might, Mr. Chair, and for your sake also, the current building is approximately 31 1/2 feet. The -- that is two floors. So the two additional floors would be an additional 31 1/2, so say 63 roughly. So it is 63. Which is actually below -- just relative scale, the towers are in the 64 to 74 range. The ASRS building is -- that's our frozen building up here (indicating) is 72, and then we have 60.

So as a general statement, there are some existing structures on site within the complex, both on our property and the utilities company that are higher, but we'll be requiring a variance, yes, for the building height of 63. 73 for the building would be a small portion if we were to have a stair tower and I think that would maybe be five percent of the building, of the total surface area. So there would be a small amount that would be in that 73 range for the stair tower, to get up onto the roof and some equipment. But the vast majority is 63.

MS. FINCH: All rightly. Other question I have is relative to the lighting. Is the lighting going to be for the parking lots, or is it going to be -- I mean obviously the building is going to have windows, and I mean how much of an impact is that lighting, even though it was supposedly within the range or whatever, um, how -- yes. I mean how far is that lighting going to be able to be seen through the neighborhood? Because I tell you right now, it's -- you can't even see any stars anymore. It's ridiculous.

MR. PIRES: First of all, shown on the photograph here, the existing building, the facade here. We do not have lighting of our building. If anything, we just have emergency exits, you have the standard fire exit lighting over there, which is minimal. As far as site lighting, certainly in the parking fields, as we have today, we're going to have light standards through the parking area that -- actually we do have plans into the Town showing the locations of the standards, Number 1.

Number 2, we have photometrics which show it's a very uniform site, very low foot candle readings and yet enough for proper and safe, secure illumination of our site.

Thirdly, what we will do is take the existing fixtures down and replaced them with a flat lens vertical lens which is a more efficient lighting, Number 1. Number 2, with the flat lens we have eliminated that sag lens or convex lens. So in summary, albeit we'll have more light standards in the parking lot, but it will be a better, more uniform lighting than we have on the site so...

We're going from the high-pressure sodium to the metal halide which creates a more secure site and provides better coverage for safety and security reasons. Long and short, we'll certainly not have off-site spillage of our site. You will not have the line-of-sight pollution, if you will, that I think you're very much concerned with.

MS. FINCH: As a neighbor of the Wegmans complex, it has been very nice to be able to go down there and use the facilities, and also for the Wegmans employees, I'm sure that, you know, having the ball fields, it's a recreational complex. It looks to me like the walking track or the running track that is all around that complex, that's a mile around now, that's going to be lost.

MR. PIRES: Yes. The current track I believe you're referring, if you will, on the west side of the ball fields, which -- actually you can see better over here on the left (indicating). Yes, that will be eliminated. However, our design team is looking at the creation of additional trails throughout our complex. So we recognize, as you do, the value of having trails.

So while we will taking the specific ones that you're referring away, once again at the west end of the parking -- the ball fields, rather, we'll be looking at incorporating additional trails into the complex. And they will be shown on the plans as they advance towards final approval plans, should we get past preliminary. We do not have them today, but we'll be advancing that. We have schematics, but we haven't finalized those.

MS. FINCH: Will those still be available to the neighbors?

MR. PIRES: Technically, and I trust folks that have seen the signs around the perimeter of our property that say private property. I will just leave it we'll probably continue to post it.

MS. FINCH: Okay. Is the playground going to be lost, as well? I think your other photo there is covering up the playground?

MR. PIRES: Down here (indicating)?

MS. FINCH: Yes.

MR. PIRES: Yes.

MS. FINCH: Thank you.

JOHN WEBBY (phonetic), 335 Audino Lane.

MR. WEBBY: You state that you're going to try to break up the shifts or at least kind of differentiate those. I know I have the sincere pleasure of coming through both rush hours in the morning and in the evening, and I would probably say your two lights sitting there at Fisher and Market Street on Chili Ave. It's -- it's pretty empty there, but once you start getting up in the Brooks Avenue area, it's just a complete bottleneck. So what you will do is shift all those employees right onto Chili Avenue. What are we going to do about that?

MR. PIRES: If you could clarify, I don't think -- if you're talking about the work force and shifts? Did I hear you correctly? I didn't say there would be a change in any of the shifts. I said, if anything, it would mimic the existing 8 to 5 for the existing employees, both existing and future, although there are some folks that come in earlier and leave earlier with the warehousing and different departments within our offices. The vast majority would be as it is today.

MR. WEBBY: I usually come through anywhere about 7:10 to 7:40 in the morning through the Brooks Avenue location and I'm sitting in that neighborhood for a good 30 minutes waiting to get up Brooks Avenue.

KAREN COX: Because it's two lanes.

MR. PIRES: Chili Avenue, when we first put in the fourth leg of the intersection, the 204 -- this is the ramp, Chili Avenue, the fourth leg being Wegmans Market Street North. I know there was an initial concern expressed by various individuals, a traffic study that we presented. We implemented that and fully found out post-installation that intersection actually works better obviously to the satisfaction of the Monroe County -- New York State DOT and Wegmans much better than it is actually designed for. So if you're currently experiencing any bottlenecks further away from our property, because you're talking about further northeast from us, certainly there is a whole community that is contributing to it, not simply Wegmans.

MR. WEBBY: Are you willing to make your traffic assessment study --

MR. PIRES: It's a matter of public record once it's submitted to the Board, if I am wrong? Public record?

JAMES MARTIN: Once it is, it can certainly be FOILED under Freedom of Information?

MR. WEBBY: We can FOIL that?

My question would be directed to the Board. Um, in relation to the traffic light, the semis coming -- I want to say it is westbound up Chili Avenue and coming into the complex, I would like to see that traffic light, the left-hand turn lane at least, extended by a couple of seconds. Yesterday afternoon, um, I love Wegmans, I support the project, but I almost became a part of one of their semis because the truck decided to blow through the red light and we already had the green light, so I would definitely like to see that light extended.

JAMES MARTIN: I think, again, in the statements that I have read so far, they will be working, the State Department of Transportation, to maximize the traffic flow and safety of those intersections, and your comment is well taken, okay?

MR. WEBBY: Thank you.

KAREN COX: Art (Pires), I just wanted to clarify the traffic study that has been submitted

does not include any study on Brooks Avenue?

MR. PIRES: Correct.

KAREN COX: Just includes the --

MR. PIRES: Just our -- the intersection.

KAREN COX: I didn't know if the gentleman was thinking it might include Brooks Avenue.

MR. PIRES: Thanks for that clarification.

JOAN ANTINORE, 40 Lexington Parkway

MS. ANTINORE: And I back up to the berm. I have been there 40 years, so I have been through all of this construction that has gone on, and I do commend Wegmans. They do a great job. I was very disappointed recently to see the graffiti is starting on your stonewall. I think it's just degradation and I wish somehow that didn't happen, but you did take care of it. I hope it didn't damage anything and the people that do this I don't think too highly of.

The lighting, I would like to say we're right behind your parking lot, okay? In the summertime it's not so horribly bad because you have the trees all filled out and they're big and tall. You have a 20 foot berm and there's now, after all these years, the pine trees are quite large. There is gaps between them.

In the wintertime, however, when the trees lose their leaves, you don't need to walk through your house with the light on because they light up and they have done something about that. They have lowered the wattage or changed the color of them or put some kind of shield on them.

MR. PIRES: We did put a shield.

MS. ANTINORE: You do the best you can but to address it, it's not totally a wash-out. It helps, but you can see through your house and walk without any trouble in the wintertime because it's quite lit up. That's the parking lot behind us. That is probably what she will experience on her side of the road.

MR. PIRES: She won't -- as she does today, if you look at this photograph here (indicating)-- actually I will step back a little bit to the lower photograph here (indicating), Fisher Road, albeit the lower level. I can't speak specifically if you see any top of the light standards today in our parking field, because this is just one spot from Fisher Road, and it doesn't cover the whole perspective of our site. However, two points to be made. You're currently here (indicating), we have the lighting along this (indicating) private drive and you're over right here (indicating). Certainly the distance there, to your lot, versus the distance from our parking field to Fisher Road --

MS. ANTINORE: And I don't mean that will cause a big problem with me. I'm just saying we have a parking lot and they're way high. The lights are very high. I mean the 20-foot berm and it goes way past that.

MR. PIRES: I do understand that. As you noted, we did look at that when we had your calls and put the shields on it.

MS. ANTINORE: Why is it necessary to have them so high? It's to cover a parking lot.

MR. PIRES: It creates better uniformity of the lighting. Suffice to say, an extreme example, the sun, as far as away as it is from the earth, it covers a whole mass area, a very large mass area.

As you come lower, you will need more of the standards to accomplish that illumination, and the unfortunate thing there, even with the greater number of light standards, you have, you have a very -- you have more and more disparity and uniformity of the light. When I mean uniformity, the extremes of dark, light, that being more light right under the pole and then dark immediately or more readily as you distance yourself from that pole. As you get higher, you're able to have few tier standards, better uniformity and what I mean by that is the light levels, at the minimum to the maximum becomes more uniform.

This in here is very uniform. You don't see light in front of me, light in front of you any different. So it is a more uniform lighting dispersment. That is what we seek. The more uniform, the better for the safety or security of those that are parking there and those that traverse through our property. That's a simplistic answer.

MS. ANTINORE: I just wanted to tell you we have been living with light and you learn to live with whatever you are presented with, but it's not always 100 percent fine.

MR. PIRES: For the sake of the Board, too, and yourself, we are also looking at the possibility of phasing the lighting. With that, I mean, that after hours that the vast majority of the employees are at work, there might be a number of the fixtures on the various standards that might be turned off. So as an example, along the outer perimeter road where we have light standards with two fixtures on, we may end up turning off one at a certain hour, whether it is 9, 10, 11 o'clock at night. We're looking into that.

MS. ANTINORE: Do you have physical security that makes rounds?

MR. PIRES: We have security that is definitely as -- is very aware what goes on that site, both physically as well as through surveillance cameras. Yes. Very good coverage.

MS. ANTINORE: Could you possibly tell me what is it I'm hearing of the heavy equipment, the bang banging and back backing and all kinds of things?

MR. PIRES: During the daytime?

MS. ANTINORE: Yes. It makes the house rattle.

MR. PIRES: Can't speak specifically unless you and I were there at the moment, but it may -- well, last week or so, or before the holidays we had drillers out there doing borings for our

geotechnical analysis, which is a soil analysis, so they were pounding to get through, get the soil samples and bring it up. That is what you probably experienced a couple weeks ago.

MS. KRETSER: It sounds like a dump truck.

MR. PIRES: About a week and a half ago or two? You haven't had it as recently as of today?

MS. ANTINORE: No.

MR. PIRES: The driller was doing the cores through the parking lot pavement to get the soils, to test the soils which we utilize for the design of the building. As a side note to that, a supplemental geotechnical report will follow that mass volume on the CD of paths, but we expect the soils in this area of this vicinity will mimic the soils around what we built before, the continuous lands around. That we still are having construction here, and we're actually improving the existing roadway. You might hear some noise from construction vehicles.

MS. ANTINORE: It came down from that corner, past the warehouses.

MR. PIRES: Right over here (indicating). That is where it probably was.

JANET HERMAN

MS. HERMAN: We live actually in Chili Center, but we go to the Community Christian Church, which is also a neighboring -- I would like to say thank you for those lights because it used to be very, very dark and scary, and -- in our parking lot and it's kind of nice now, because it adds just a little bit of light. So I personally enjoy it.

I am kind of concerned also about the big trucks. Somebody said -- I just wondered what the hours were when -- when the heaviest traffic would be. Certainly possibly I don't know if any of them come there on Sundays when our church services would be, because there is a lot of traffic now at the -- at the Westside Drive intersection.

MR. PIRES: Right. Are you referring to the autos or the tractor-trailers or both?

MS. HERMAN: Both.

MR. PIRES: As a general statement, the working hours are 8 to 5 during the week. The a.m. peak is 7:30 to 8:15 or so -- is the peak in the morning, and in the evening it's between 4:30 and 5:15, 5:30. Those are the peaks for the autos.

The tractor-trailers, actually we have information on that, and over a seven-day period, there is some days more, the higher volumes than other. But since they run 24 hours, there is three shifts that we have midnight to 8, 8 to 4 and 4 to midnight. As a general statement, 60 percent of our traffic, and it's a very roughly average because each day varies, the 60 percent or so are between midnight and 8 in the morning. So it's the bottom line on all of this, it's evenly distributed throughout the day. We won't have a massive influx of tractor-trailers, and certainly not because of this office building expansion. I'm talking about existing. We don't anticipate any new tractor-trailer traffic because of the office expansion.

JAMES MARTIN: As I mentioned before, the public hearing will remain open pending further hearings of this application. I guess at this point, Art (Pires), I would like to thank you very much again for a very detailed and eloquent presentation and we look forward to continuing our journey on this particular application.

MR. PIRES: Same here. Thank you very much.

DECISION: Due to the fact that the S.E.Q.R. process was not complete, the Planning Board did not formally vote on the application.

Some minor concerns were expressed regarding traffic flow on Chili Avenue.

The Board looks forward to a complete technical response to these concerns. The Public Hearing on this project remains open. The Planning Board looks forward to finalizing the preliminary site plan review at the August Planning Board meeting.

FOR DISCUSSION:

1. Vistas at the Links - Review of architectural building plans and future site plan review as required by the Planning Board at the December 9, 2003 meeting for 19 & 21 Prestwick Lane (Lots T-81 & T-82).

Bill Price was present to represent the matter for discussion.

JAMES MARTIN: We asked for an update. I believe we have representatives here that will be updating the Planning Board as to the progress on the site and what the future plans may be.

MR. PRICE: Good evening. My name is Bill Price. I'm President of Pooler Development. We're in -- located in Victor, New York.

I'm here tonight on behalf of myself and Gary Pooler. We purchased this project several months ago. We are partners with Mr. Howard. Bill Howard is here tonight. We have had kind of a history with this project. We took a look at it several years ago, and I think everybody knows some of the background on this, and at the time we -- we did pass on this, and then as time went on, this -- this project has kind of evolved with regard to ownership and various

players have kind of come and gone. At the time back around the first of the year, we did choose to purchase this project.

We purchased the project as is, as approved, and with regard to the number of building units and the types of building units that there are here.

Um, I think one of the biggest concerns that we have here is, A, who is the builder, and, B, what is it we're building.

Um, we are developers. We are not home builders, so none of the vertical construction here is being done by Pooler Development. We will complete all of the infrastructure. We will do all of the utilities and get the lots actually prepared, but then we will be selling those lots, approved lots to Jim Billtucci is the builder we have selected to work with. We have a contract with Mr. Billtucci to build all of the units in Phase 1 of this project, and we would anticipate that as things progress, that he would be there to build sections -- the future -- all of the future sections.

The architecture is identical to what has been previously seen by the Board and approved by the Board. So the elevations that we're presenting tonight and the elevations and floor plans of the first duplex that are under construction right now are identical to what the Board had seen in the past. We have some of the material samples if anybody is interested in, you know, the siding or the cultured stone, our roofing material, but I just want you to know the single-family detached, the duplexes or the quad townhouses, all of those are going to be the same as were approved.

This project does include a Homeowners' Association. The Homeowners' Association had been previously approved by the State Attorney General's Office. What had to happen was we are the new sponsor and Jim Billtucci, the builder, is a co-sponsor. So we are the overall sponsor to the Homeowners' Association and Mr. Billtucci, as the builder and the direct sales -- the person selling the homes directly to home buyers, he is also a co-sponsor in the -- in the Homeowners' Association.

There was some minor changes to the Homeowners' Association with regard to, you know, who the sponsors are and documenting who -- who we are, versus the previous sponsors. The other -- the only other change that was made was that we included ourselves, me in particular, as having the authority to approve the architecture of each of the buildings that go in for a building permit. So there are probably, you know -- there is at least my line of defense to make sure what is being built by Mr. Billtucci is consistent with what has been approved, seen and approved by the Town.

There are some modifications that can happen, but they all happen within the footprint of the building. Whether you have a bonus room or, you know -- you know, rooms on the second story or no rooms on the second story, where do you put the orientation of your master bedroom, that kind of thing, but the footprints, the floor plans and the elevations all stay the same.

I think with regard to the -- to the larger, the broader overall project, as you know, Phase 1 has received final approval. Phase 1 included 84 building lots. That was a variety of detached single-family. The patio, the duplex or the villa, and then the quad townhouse unit. 84 units are -- we're trying to achieve a sales pace of about 20 -- 16 to 20 units per year, so it's going to take us four, four plus years to build out that first 84 units. Then we'll be back in probably a year, year and a half ahead of needing the next batch of lots to get the next phase approved. So you would probably see us in a couple of years, hopefully if we can get the sales pace to pick up.

The broader context here was an approval, preliminary approval of, I believe it was 193 units, and I may be off a unit or two there, but approximately 193 units, again, a combination of the -- the single-family and then the attached product. The overall preliminary approval did include a golf course and had a golf course clubhouse. Um, we -- when we bought this project, we did speak with the -- the then administration for the Town, and informed them that we are not intending to build the golf course. I just want to bring that out now. The golf course was -- was really never a viable project. There simply are not enough units in this project to support the construction of a golf course. We will be building three of the golf holes. The same three holes that are approved in Phase 1, we will be building those. Those are really the -- the ones that -- they're five, six and seven. They're the holes that back up to the railroad and between some of the townhouse units and the existing homes along Archer Road.

So we want to make sure that that green space is developed as the golf holes. It's there for anybody in the community to come out and play. The Homeowners' Association will be responsible for the maintenance of those three holes, but it is not -- it is not open to the general public to come. It will be just there for the enjoyment of the people that do live there and pay into the Homeowners' Association.

We are not at this point sure what is going to happen with the balance of the property. As you know, this is -- you know, several hundred acres of property and the vast majority of it is in flood plain, and how that ultimately becomes developed, certainly we are at the 193 units, but we will be spending some time hopefully with Town planners and Town engineers and seeking some, you know, discussion and input on how -- how to develop the rest of the property. Clearly the one option would be to take the balance of the property and transfer it into the -- into -- by deed into the Homeowners' Association for long-term ownership and maintenance by the Homeowners' Association, but there may be other alternatives that we should explore as far as offering access to the public and other uses for -- for the public over the future.

That's a -- the broad brush. I touched on -- a little bit who we are, what our intent is with the architecture, our builder, the future phases. Right now we are really concentrating on trying to build out the 84 units and then as that pace permits, we will be back in to talk about the second

phase, and I think by that time, we will have had some discussions that we can possibly answer what -- what would happen with the balance of the property at that point.

Happy to address any questions.

JAMES MARTIN: Could you comment on, you know, what your price range is for the units in the Phase 1?

MR. HOWARD: 190 and up.

MR. PRICE: 190,000 and up.

JAMES MARTIN: And up to what, do you think, Bill (Howard)?

MR. HOWARD: Some will go as high as 500. We have some gentleman we're meeting with now.

JAMES MARTIN: That would certainly require an enormous amount of internal changes in the footprint?

MR. HOWARD: No. They're set up as California lots, Vegas lots, 170 feet deep.

MR. PRICE: That would be the detached.

MR. HOWARD: 2,300 square feet is probably the most you could get out of a lot.

JAMES MARTIN: Single-family homes could run up to a fairly high, high price?

JOHN NOWICKI: Duplex, 190 each?

MR. HOWARD: 189,9 is how you start.

JOHN NOWICKI: How do you spell the builder's name?

MR. PRICE: B-I-L-L-T-U-C-C-I.

JOHN NOWICKI: What is his first name? Bill (Price)?

MR. PRICE: James. James Billtucci.

KAREN COX: Billtucci is his last name?

MR. PRICE: Not Bill, Tucci.

JAMES MARTIN: You commented that the three holes of golf that are going to be going in there will be the responsibility of the Homeowners' Association to maintain. You know, I know golf course maintenance is not a cheap item, if you're going to maintain it in a playable fashion, okay? So I'm not sure how that plays out with the homeowners and what the expense of that is going to be, even on three holes of golf, but certainly it would be a concern that, you know, that the provisions are in place, all right, to insure that we do have a maintained piece of property there from the three-hole golf course perspective. So just a comment. And I know I think when we talked about you earlier, you're talking about basically artificial turf.

MR. PRICE: For the greens.

JOHN NOWICKI: Along with that, has our Legal Department over here, Mr. O'Toole, gotten a copy of the Homeowners' Association agreement yet?

MR. PRICE: No. I have not given the Town a copy of the agreement.

JOHN NOWICKI: That should be a condition here --

JAMES MARTIN: We're not approving anything.

JOHN NOWICKI: That was part of our agreements in the past.

MR. PRICE: Was it?

JOHN NOWICKI: Yes.

JIM POWERS: Under the homeowners' policy, how many units are -- or number of units will be the determining factor as to when your Homeowners' Association Board of Directors is formed and becomes active in this project?

MR. PRICE: The sponsor, we -- we will -- that's a good question. I believe upon full build-out, the -- a Board will take over our responsibility. So I think until -- and I will -- I will have to reread it, but I think we're responsible as the primary sponsor until full build-out.

JIM POWERS: Until you have full build-out --

MR. PRICE: Yes.

JIM POWERS: -- will there be any homeowners along with the sponsors comprising a governing board?

MR. PRICE: I -- I know where it is in the document. I will have to get an answer for you on that. I don't recall when the voting members, you know, have -- have the ability to become members of the Board.

MR. HOWARD: It was after 75 percent are sold.

MR. PRICE: After 75 percent? I'm sorry.

MR. HOWARD: You wanted to control it until 75 percent.

JIM POWERS: Do you have an idea what your beginning assessment is going to be up there, monthly?

MR. HOWARD: \$185 a month.

JIM POWERS: What would that cover, Bill (Howard)?

MR. HOWARD: I'm sorry? It covers your lawn, snowplowing, all your landscape trimming, mulch, and exterior.

MR. PRICE: There is also reserves for roof and resealing of driveways.

KAREN COX: That's pretty reasonable.

MR. HOWARD: You have a copy of the card, right?

MR. PRICE: I do, yes.

JAMES MARTIN: If you could provide a copy to Mr. O'Toole?

JOHN NOWICKI: Let me get something straight here. We're going back to letters on file with the Town, September 17th, 2002. There were requirements and conditions placed on this project. And these should be adhered to, okay? Add one of them is the Homeowners' Association agreement stipulated in this agreement. And there are nine other stipulations here.

And I think that we should be fair to ourselves in this Town to make sure our Building Department is aware of this, and that we conduct this as any other business we have done before in this Town and adhere to it.

They're not unfair conditions. They were placed appropriately. That is just to protect ourselves and the residents of that area and the residents of the Town and the people that will live there. I think the Building Department should review that. That's why we're here tonight. Thank you -- I tell Mr. Pooler thank you, because if it wasn't for him -- he is the one that brought this information to us. He is concurring that this should be accomplished.

JAMES MARTIN: I think one of the key things I have heard tonight is there is architectural control. That was a concern I had, that there was no architectural control, and I certainly did not want, you know, a hodgepodge.

JOHN NOWICKI: That was one of the stipulations they were supposed to provide us for in the original approval letters.

JAMES MARTIN: That is why they're here tonight.

JOHN NOWICKI: All I'm saying is there were additional things in the letter, again, the Homeowners' Association agreements we have in file and that we follow through on the other conditions. That will be rather important to the Town.

JAMES MARTIN: I think this is really the first opportunity we have had to bring someone in to review the project.

JOHN NOWICKI: Exactly. And I feel very comfortable what you're saying.

MR. PRICE: Just -- we're happy to submit a copy of the HOA document. Just so you know, it -- the HOA document is set up for the first year of operation. So as -- as we progress this, if anything does need to be modified, I probably wouldn't modify it for at least a year or until there was a substantive change in the annual budget that needed to be addressed and updated so that potential buyers knew of updates and cost increases, but if there is anything in the document that the Town sees that does need to be addressed or modified, we -- it's not the last time this document is going to be in front of the Attorney General.

JOHN NOWICKI: Just let me ask you a couple other areas. Are you putting in the light, the street lighting?

MR. PRICE: Yes.

JOHN NOWICKI: Are you putting in sidewalks?

MR. PRICE: Yes.

JIM POWERS: There is a sidewalk district.

MR. PRICE: Let me be clear when these things are happening. Right now we're getting pricing. It is my understanding that we are responsible to put in the pole and the wiring to the pole, and then RG&E comes and puts the luminary and energizes the light poles. Um, we're probably going to put them up to about the first intersection. We have had too much experience putting these things in and not -- not all contractors, but a lot of contractors and their suppliers will run over the things. And until there is a certain number of homes, you know, built out, probably not all of the streetlights will go in, but to get the entrance lights in, that is one of the things we want to do.

The sidewalks, we will probably not put in sidewalks and that is what we're telling customers also, until 75 percent of the homes are built. That is also just to --

JOHN NOWICKI: Do you know offhand if the --

JAMES MARTIN: Is that by phase?

MR. PRICE: Yes. By any one phase.

JOHN NOWICKI: So first phase. But have the districts been formed? Have the legal documents been formed for the lighting district, the drainage district, the conservation easements to the Town of Chili? Have all these been done?

MR. HOWARD: Yes.

JOHN NOWICKI: Are they all on file? Can you verify that?

JIM POWERS: I recall, John (Nowicki), when I was a Councilman, there was a sidewalk district formed.

JOHN NOWICKI: Again, all I'm asking is have these been accomplished. Like any other developer that comes before this Board and gets a final approval and gets conditions, that Building Department over there has to make sure that these get done. And there is also a comment in here about the Conservation Board. To review the Conservation concerns that they have and the landscaping for this project. Has that been done? Am I asking for anything unusual here? That is all I am asking, folks. Let's do our job. Thank you.

JIM POWERS: On your prospectus, there -- that was approved at the State, there should be -- the original one should be here in the Town Hall somewhere, I'm assuming. In that you're not going to be building the golf course, was that part of the original, and have there been amendments to the original approval that came out of the State on anything other than --

MR. PRICE: The original document specifically said that the golf course might be built, and they went to great lengths in the original document to say it was not guaranteed to be built. And it was -- very good point is that our attorney was very clear that, you know, had that document, prior document stated that it was guaranteed that the golf course would be built, we couldn't change that. But the first document was very clear that the golf course was -- there was no guarantee of it being built.

JIM POWERS: Have there been any amendments to the original as far as the Vistas is concerned? To any portion?

MR. PRICE: To the HOA document? Really, the two things were the change in the

sponsor, and we had to, you know -- who is -- who is Gary Pooler and who is this sponsor? There was quite a bit of documentation as to why are we changing from Vista -- Ballantyne LLC or whoever they were, and this development, why did that happen? Not a lot of that ended up as written documentation in the prospectus, but it was stuff that had to go to the attorneys reviewing it.

The budgets all had to be redone. There was estimates that had been gotten before, but they were four years old so we had to redo all of the budget estimates and get a third party to verify, a property management company to verify the budgets, and another thing was the architectural control.

JIM POWERS: You're going to probably have a management firm of some sort or other come in to oversee the overall project once it's completed. At what juncture will you go out for management?

MR. PRICE: For management? I don't know that at this point. We ourselves do snowplowing. We don't do -- we don't do lawn maintenance, so we will be hiring someone to do lawn maintenance. We don't -- we don't see roofs needing repairs for ten years or so, and driveways resealed for four or five years anyway. Um, some of it we'll do. But I would say it will be probably about two years before it will be a management company taking over versus us just hiring subcontractors to do the work.

JAMES IGNATOWSKI: I have a question. Just a quick one. You said reviewing the architectural building plans. Is that supposed to happen before it goes up?

JAMES MARTIN: The Building Department will be looking at the plans.

MR. IGNATOWSKI: I guess I don't understand, because there is something going up there already.

JAMES MARTIN: There is a model going up, correct?

MR. PRICE: There is a model. That was reviewed by me. I signed off on it before we let -- before we let Jim (Billtucci) go and get a building permit.

CHRIS KARELUS: What we're trying to accomplish here, Jim (Martin), John (Nowicki), we did go through the punch list, David Lindsay and myself, with the ownership change, and in working with the new owners now just this past spring, getting them to where they are today, one of the numbers in that nine punch list of items is that the Board had the architectural plan review. When the plan is presented to the Building Department for exact replicates, duplicates presented to the Planning Board during its review, I didn't see a problem with them moving forward. But what I wanted to have with this meeting is to have the assurances from this Board when they do bring these types of plans, which again are exactly the same brought to the Board prior, whether it's a single, duplicate or quad, every step they take, it is either done through the Building Department's review of the plan to make sure that is the same character to -- our Building Department process doesn't have to bring everything back to the Planning Board.

JAMES MARTIN: I think we're okay with that. Just to answer your point, I really don't think this needs to be cycled back through architectural review.

JAMES IGNATOWSKI: Just a general question.

JOHN NOWICKI: We have everything pretty well established with Chris (Karelus) and the Building Department, working on it, it's okay. It's just we have to be aware of what the conditions were that were needed by this Board to move forward, because we have to protect the residents and we have to protect the people in the area and the people that are buying these properties. This will turn out to be a very attractive project.

JAMES MARTIN: We certainly appreciate you coming in tonight, and as John (Nowicki) has pointed out, there certainly may be some things in all of the previous conditions and approvals that need to be looked at to make sure everything is in compliance. I don't think there is anything totally out of step at this point, but I just want to be sure that you work with Mr. Karelus to be sure that, you know, what is happening is what we wanted to have happen.

MR. PRICE: Okay.

JOHN NOWICKI: One of the conditions we have to add. We need golf passes when you're done.

(Laughter.)

MR. PRICE: Any time.

KAREN COX: Then we'll have to pay to maintain it.

(Laughter.)

DARIO MARCHIONI: Looking at the architectural on this project, I would say they're way up on the high end of, you know, of quality here.

JAMES MARTIN: They're nice.

DARIO MARCHIONI: We can set a pattern for future approvals. Thank you.

JAMES MARTIN: We hope you're back in a year for --

MR. PRICE: I know. I would love to be here in a year.

FRED TROTT: I just had a question. When they initially had the plans, they had roadways for golf carts, in the first -- in the plans. Is that still going through with the roadways for golf carts?

MR. PRICE: No.

FRED TROTT: Those will be off the table then?

MR. PRICE: Yes.

FRED TROTT: Good.

KEITH O'TOOLE: Mr. Chairman, with regard to the HOA, just to firm that up a bit, at one point I believe we received a draft copy of the HOA. We have never received a -- we have

never received a final draft of the offering plan. I don't believe we have received a letter from the Attorney General, and then the gentleman indicated they filed amendments, so it would be appropriate we receive copies of the amendments that they filed with the AG's office, as well. Nothing further.

JAMES MARTIN: Could you please comply with our attorney's request?

MR. PRICE: Yes.

JAMES MARTIN: Thank you again for coming in and getting us up to date on what is going on over there. There has been a lot of curiosity.

MR. PRICE: Stop in any time.

DECISION: Based on the representative's report, the Board is satisfied that the project is now moving forward. The Planning Board looks forward to continuing to work with the representatives as they develop future plans for the total build-out.

The 6/10/08 Planning Board minutes were approved.

The meeting ended at 9:08 p.m.