

CHILI PLANNING BOARD  
July 14, 2009

A meeting of the Chili Planning Board was held on July 14, 2009 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:** 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; Brad Grover, Traffic Safety Committee Representative.

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

**PUBLIC HEARINGS:**

1. Application of Tiffany Transportation Services, 1436 Scottsville Road, Rochester, New York 14624, property owner: 1436 Management Inc.; for renewal of special use permit to allow motor vehicle repairs at property located at 1430, 1434 & 1436 Scottsville Road in G.B. zone.

Patrick Evans was present to represent the application.

**MR. EVANS:** Good evening. My name is Patrick Evans, and I'm here for the 1436 Management. As you all know, we were here previously, and we were given some time to get some things together. During that time we had a meeting with Mr. Martin and Mr. Karelus, and it was decided that we should try and revise our site plan. We have done that. We'll present that tonight and see if we can get it approved.

**JAMES MARTIN:** Do you have a copy of that?

**MR. EVANS:** Yes. Should I put it up here, over here?

**JAMES MARTIN:** Go ahead.

**MR. EVANS:** Okay. We have done some revisions to the -- we have had some changes actually over the years. As you may all know, or realize, when we moved in there, back in '02, we had a whole different type of a business. We were in the charter bus business primarily and with a few occasional sales of automobiles.

After 9/11, that business took a drastic turn and we wound up having to get rid of almost all of our rolling stock as far as charters were concerned. We went down from, I think it was six or seven motor coaches, three mini buses, probably three or four limousines, six 15-passenger vans and a couple sedans down to one motor coach, one motor bus and one Lincoln sedan. So obviously income changed drastically.

We had a pretty big building over there to pay for, awful big taxes to pay for and we had to try to do something to generate revenue, back to doing what we did for 45 years, got back in the car business, strong and, again, it picked up. It started slow in '02 and '03. Every year it is picking up a little more and it is making it a little more easy to exist.

So we don't have the need for a lot of bus parking any more. We do need more room for display purposes. We found that it's kind of like going to Wegmans. If you go to a small store with only one little bank of tomatoes, you don't have much of a choice.

We can't sell from an empty shelf. We need more space to display product. That's what we're looking to do at this space, is convert some of that space that we were using for -- that we had set aside for buses into parking spaces for product for sale.

Never really realized that we were in violation by parking a car where a bus should be, so I guess that's where our problem was last meeting. Chris (Karelus) had come over and found some problems. We're hoping to correct that with the new site plan.

Do you have any questions for me?

**JAMES MARTIN:** I do have a report from Mr. Karelus who conducted an inspection on your property, I believe, the 13th.

When was that? I'm sorry. Not the 13th. When was the inspection, Chris (Karelus)?

**CHRIS KARELUS:** Last week, Friday.

**JAMES MARTIN:** Last Friday.

That essentially, as I have gone down through this, looking at Mr. Karelus' comments, um, it appears that most of the previous condition violations have been corrected, as far as the site itself goes.

MR. EVANS: Okay.

JAMES MARTIN: There are a couple of things that you're asking for, and we'll get into that in a few minutes, but in general, it looks as though you have made a concerted effort to clean up the site, which is something that we have been asking for for quite a period of time. So it looks as though the open building permits have been closed out. You are in the process of going to replace the landscaping that has essentially died on the site.

MR. EVANS: It amounts to the trees we had there just aren't existing in the salt. It was -- suggestions of -- I forget who now when we bought those Bradford trees, I think they were call Bradford Pears, that they would most likely be the best for what the situation was. They haven't lasted well at all. Although a couple of them are trying to come back now.

At the suggestion of Mr. Avery, we considered possibly moving the landscaping, putting it further off the road, as indicated on the map, and maybe using some shrubs on one end and some trees on the other. The grass is coming up good for a change finally. They had it torn up over pretty bad there next to Logan's for a while. I spoke with the Project Supervisor over there just before they closed the project and they said they were coming back to seed it, and they did, and it is growing pretty good right now.

At Mr. Karelus' suggestion, we're going to -- he suggested we talk to Mr. Schickler about what best trees to put in there.

JAMES MARTIN: Yes. I would talk to the Conservation Board.

MR. EVANS: That, too.

JAMES MARTIN: Some recommendations from them as to what has the best survivability with the proximity to the road and hopefully they will be able to help you with that.

As far as the revised site plan, one of the issues was you were going to have vehicle display now along the front of the building where you had the bus parking before; is that correct?

MR. EVANS: Correct. Yes.

JAMES MARTIN: Okay. That is one of the changes. I think you also want to continue to have the parking under the canopy --

MR. EVANS: Yes.

JAMES MARTIN: -- to the north?

MR. EVANS: Yes. When they drew --

JAMES MARTIN: Not lined up the way the original site plan shows, but you will be basically perpendicular to the road rather than an angle.

MR. EVANS: Yes. I don't know why they drew it that way. I mentioned it to him. They made a note here, this isn't necessarily the way you're going to park it. If I had any idea what the total bill was going to be on that, I would say, look, you do it the way I want it. I had no idea how much it was going to cost to change the few little lines. It was astronomical. They should have done it the way I wanted it. I would probably have them on the final one that they submit to turn those things back around the way they're supposed to be.

JAMES MARTIN: But they will be perpendicular.

MR. EVANS: Yes.

JAMES MARTIN: It still shows a temporary bus staging area in front of the vehicles parked?

MR. EVANS: Basically, that is when we have one in there that's been washed and it comes back out before people pick it up. They won't be parked there.

JAMES MARTIN: It won't be parked there?

MR. EVANS: No. It would be bad for business.

JAMES MARTIN: Based on the conversation we had, you service buses for another company from out of town?

MR. EVANS: We occasionally service buses for other people. There is a company out of Niagara Falls -- I guess it is Buffalo, that uses us quite a bit. We get transients there, especially around the time when they have the festivals and the thing over in the park there. The Lilac thing. A lot of buses come into town. We're about the only ones that can service them.

JAMES MARTIN: Okay. By "temporary," what would be the length of time that a bus might be parked there?

MR. EVANS: In the front there, maybe a day.

JAMES MARTIN: All right.

JIM POWERS: The only thing that bothers me is some of these violations and whatnot have existed for quite a long period of time, and that is of some concern to me. Other than that, I have no questions.

KAREN COX: This is more of a curiosity question. If the bus business has dwindled, what are you going to use the building for?

MR. EVANS: Um, we -- we're still quite heavy in the repair and -- just our own vehicles alone. We spend an average \$1,000 on a vehicle when we sell it, get it ready. We don't just push them out of the door with an eighth of an inch of (inaudible). We go right through them. We like to think if somebody buys a car from us, they won't have to take the it in the shop for a year. We do service work, as well, for customers.

JOHN HELLABY: I'm sure somebody is not going to come out with a tape measure to measure the exact location of these vehicles. The way I added it up, it is 63 vehicle slots, correct?

MR. EVANS: That sounds about right, yes.

JOHN HELLABY: You say the configuration on the angled ones might change a bit.

MR. EVANS: The ones he shows on angle, I have no idea -- we never parked cars that

way since we have been there. I'm not sure why they drew it that way.

JOHN HELLABY: Other curiosity question, because I'm sure they're legally registered and you can park them wherever you want to, but if this is approved, the two bus units at your old location, are they coming back there or are they staying down there?

MR. EVANS: We didn't want to bring them back, but we have agreed to do that at Chris (Karelus)'s suggestion.

JOHN HELLABY: Where are they being parked if they're not being parked in the temporary bus storage?

MR. EVANS: Probably out back of the building. That's the plan.

JOHN HELLABY: I'll be honest. I never really had anything against your operation. Just a comment. I hope things do turn around. Some day I would like to see a coat of paint on the roof of that place. It is starting to look good, but you definitely got to do something. It won't hold up the vote tonight, but just a comment.

MR. EVANS: We have actually bought some, not enough to do the whole thing. To be very honest with you, when we first started, we never should have started this project. We never should have. It was a bad mistake. We needed it at the time, but three months after, it was just devastating.

JOHN HELLABY: I admit I feel sorry for guys like you that get in a little over your head.

MR. EVANS: That's exactly what we were. We wouldn't have been. If it wasn't for 9/11. Once that happened, we had a hard time coming up for the money for the application fee. We're slowly getting back up there now where we can afford to buy a bucket of paint once in a while. Which is why we were able to do what we have done in the last few weeks. We're still far from being out of the woods, but at least we can see the light of day.

JOHN HELLABY: That's all I have.

JOHN NOWICKI: Have you considered making an application for some stimulus money? (Laughter.)

MR. EVANS: If you tell me where to go, I will be there.

KAREN COX: They would have to put up a \$6,000 sign. (Laughter.)

JOHN NOWICKI: Can you explain to me how we're going to handle the plantings for this project now? What is going to happen?

MR. EVANS: There is an area between the -- the small lot and the big lot that is a little bit of a hill, but it's still dirt, and we're going to clean that up, plant -- I think that is where the shrubs are going to go. Put like five shrubs in there. There is also a similar area, a little embankment between the south end and the restaurant. That is also plantable there. There is actually some grass growing there. That is where we're going to put the trees.

JOHN NOWICKI: Now, is this something that you're going back to the Conservation Board to talk to them about?

MR. EVANS: We're going to talk to them about what kind of trees.

JAMES MARTIN: That is the way.

MR. EVANS: That's the plan.

JOHN NOWICKI: That will show up -- you will approve it? It will show up in the approval process?

JAMES MARTIN: There will be some conditions involved.

KAREN COX: That is in lieu of five out front that --

MR. EVANS: Correct.

JOHN NOWICKI: There will be a change there.

KAREN COX: That makes sense.

JOHN NOWICKI: I wish you well. It's a tough economy. I know. I hope things turn out for you.

MR. EVANS: Thank you.

DARIO MARCHIONI: Nothing. Doing fine.

KEITH O'TOOLE: I would just offer that the Board should be sure to carry over the conditions from the prior permits. Nothing further.

JAMES MARTIN: Chris (Karelus), I have all your comments.

CHRIS KARELUS: I want to thank the Evanses. Over the past few months I have been working with them, quite a lot they have cleaned up off that site. I would hope the Board tonight would capture a condition -- the majority of the clean-up was on the south end of the building, out-of-sight out-of-mind kind of deal, but to their credit, everything was gone when we last did our inspection, which was great to see.

He had mentioned we did take a trip down the road. There were two vehicles that actually were supposed to be on this site that were associated with that site that aren't permitted. What they have committed to is trying to take the storage trailer behind the building, which is all their clean storage, all their files, everything that is associated with their office storage to the use, and get that within the warehouse space.

Currently the -- we'll call the northerly half of their building is all parts storage and salvage. They talked about being able to take the salvage storage and over the time of this conditional use, remove the salvage storage and make room for the storage vehicles and get the two Tiffany vehicles on site and then stage them out behind the building. So I would also ask that the Board have that has a condition.

Besides that, the building permits have been closed out and nothing further from the Building Department.

JAMES MARTIN: Pat (Tindale), we have asked them to work with you to get some

landscaping over there that will last and look decent.

PAT TINDALE: Just make that as a condition for me, okay?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: I think what I would like to do, and we could give them 60 days, but because we could suddenly get summer, have very hot weather, and I just assume have planting occur later than sooner, so I'm thinking 60 days might be a reasonable period.

James Martin further reviewed the proposed conditions with the Board.

JAMES MARTIN: There is a trailer containing your office supplies. I have tried to address that.

James Martin further reviewed the proposed conditions with the Board.

MR. EVANS: Just one question. Now the Jet View Diner, that applies to our buses or any buses? Anybody's buses? I'm not sure how I can control someone else. I mean the University of Rochester parks over there every day now. They're there all of the time.

JAMES MARTIN: As long as they're not associated with your business.

MR. EVANS: Okay.

JAMES MARTIN: University of Rochester is a different issue.

MR. EVANS: Okay.

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

The Board decided to go with a time frame of two years for the renewal, if approved.

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

1. Approved for a period of two years.
  2. All new landscaping shall be completed within 60 days. The Building Department shall inspect the completion of the proposed landscaping for compliance.
  3. The trailer containing office supplies currently stored along the southeasterly side of the building will be allowed to remain for 60 days at which time it shall be moved inside the building.
  4. The limousines/buses currently being parked at an off site location on Scottsville Road shall be moved to 1436 Scottsville Road for parking purposes.
  5. The waste oil tank shall be allowed to remain outside of the building.
  6. At no time shall bus or vehicle parking be allowed on the adjacent "Jet View" Diner property.
  7. All previous applicable conditions remain in effect.
2. Application of Chris Curts, Autocrafting, 170 Jefferson Road, Rochester, New York 14623 for special use permit for motor vehicle sales, parts distribution, and service to serve municipal and fleet companies at property located at 997 Beahan Road in L.I. w/ADATOD zone.
  3. Application of Chris Curts, Autocrafting, 170 Jefferson Road, Rochester, New York 14623 for preliminary site plan approval for a change of use to allow motor vehicle sales, parts distribution, and service to serve municipal and fleet companies at property located at 997 Beahan Road in L.I. w/ADATOD zone.

Chris Curts was present to represent the applications.

JAMES MARTIN: Before you get started, all right, give me a second. It is my understanding that essentially tonight you would like to get through the special use permit portion of the application that you have submitted.

MR. CURTS: That's correct.

JAMES MARTIN: There are some timing financial issues, I believe, associated with that, but what we have in front of us right now as far as a site plan is more like a sketch plan.

MR. CURTS: That's correct.

JAMES MARTIN: It would not be appropriate for total site plan review to get through a preliminary approval at this time. Is my understanding correct from your perspective?

MR. CURTS: I believe so. My intention tonight is to get a preliminary special use permit approval pending final site plan approval, if that makes sense.

JAMES MARTIN: Well, that's not what I said.

MR. CURTS: I'm not an expert, so I apologize.

JAMES MARTIN: We can look at the special use permit application, all right, as a separate entity. What you have submitted for site plan approval, we would consider a sketch plan, not a formal engineering drawing that we would be able to use to give preliminary site plan approval to that particular application.

MR. CURTS: Okay. I understand.

JAMES MARTIN: So we can move ahead and look at the special use permit. We can talk about your sketch plan or what we're thinking about doing on your site, but I don't think we have enough --

MR. CURTS: Okay.

JAMES MARTIN: -- in front of us to move ahead with a preliminary site plan approval tonight. Now are we on the same wavelength?

MR. CURTS: We are.

JAMES MARTIN: Okay. So you're on.

MR. CURTS: Thanks for having me. Good evening. My name is Chris Curts with Autocrafting, and my purpose here tonight is to ask for a special use permit to allow me to move my business from Jefferson Road in Henrietta to 997 Beahan Road. We have agreed in principle to purchase this building with the hopes of immediately occupying and leasing the property until we close.

A couple of the final contingencies, of course, are going to be proper permits to allow me to operate in this building, as long as with final mortgage commitment.

My company is actually a 30-year-old company, started in 1978 by my father. I have taken over ownership in 2006. We have grown incredibly in the last three years. We have actually tripled in size. Occupied a new division of our size, which sells commercial van and truck equipment to large scale companies like DDS, Frontier, Time-Warner. We do business with a lot of State, municipal government agencies. This particular property, when I found it -- I have been looking for a couple of years in various towns -- really just fit our need. Not only has the building space we need with shop space and storage space, but it has the much-needed office space.

Another feature I really like a lot about the building is the acreage. My understanding is that this site would allow me to grow and possibly expand into, add additional building space to it as time goes on. So I'm here to see if we can't get the proper usage permit that I would need to operate in this business, this facility.

JAMES MARTIN: Is that it?

MR. CURTS: I think so.

JAMES MARTIN: Okay. Your letter of intent, I think essentially you talked about your business kind of -- is constructed of doing special vans for people with disabilities, you know, so they would have the ability to drive them or have wheelchair access to the vans. That is one of the aspects of your business?

MR. CURTS: Correct.

JAMES MARTIN: The other is, services large fleets, that they go out and buy on the bulk, bring in 60 vans and you retrofit them to meet their requirements. Is that my understanding --

MR. CURTS: That's correct.

JAMES MARTIN: -- of your business?

Mr. Karelus and I did a very thorough walking of the site. It looks as though from an adaptive reuse, it is well suited for what you're planning to do. There are a couple of things that I think we probably need to take a look at. The building itself has not been utilized since Maxton moved out of there. You have agreed in your letter of intent to refurbish the landscaping around the building. That's one thing that is obviously going to have to be done.

I think you have a proposal in your sketch plan that you will be showing some display vehicles out in front of your building --

MR. CURTS: Correct.

JAMES MARTIN: -- according to the sketch plan that you have provided.

I'm assuming those vehicles are representative of what your business is. Is it both aspects of your business or are they primarily focused on the -- I will call them the special service vans that people would utilize for wheelchair access and those types of things.

MR. CURTS: They would provide -- primarily be the wheelchair-accessible vehicles. Although we're a destination-based company, it still helps to have a product representation, visual, so when people do drive by and may not be aware of the internet or some of the other

traditional media marketing means, they know there are companies in the area that do these sorts of things. We find it is a good benefit to our company to allow us to be able to have a small display in a drive-by area.

JAMES MARTIN: Okay. I think one of the things that -- again, we're not doing total site plan review, but certainly one of the aspects would be that those pads, you know, be concrete so that you're not sinking into the ground out there.

The other thing is, I think you have shown kind of a detailed plan of how you would have a drivable surface to get to the pad so that it's not going to just rut up your whole front yard as you drive those -- you know, those vehicles back and forth across there. I think that is something that is going to be absolutely necessary.

MR. CURTS: Yep.

JAMES MARTIN: The other thing is, I believe you have indicated that the vehicles would be on display only during normal business hours, that you would either move them inside the building or to a safe parking area so that they would not be on display outside of normal business hours; is that correct?

MR. CURTS: If that were necessary, it certainly could be arranged.

JAMES MARTIN: I think that is something that we would like to see, okay?

MR. CURTS: If I may touch on two points to make sure we don't miss it. I would prefer, if possible, to put asphalt pads in. And my hope would be to put an 8 foot or 9 foot wide asphalt driveway in to allow us to plow that in the wintertime without doing any damage to adjacent land.

JAMES MARTIN: I think that is something, when you come back with your engineering -- I'm sorry, your engineered site plan, you know, we'll deal with those specific issues both here and with the Town Engineer and the Building Department. All right. I don't think we're going to pinpoint an exact specification tonight for that particular activity.

Mr. Hellaby will put up a copy of the sketch plan.

I think one other thing that was in the notes from Mr. Karelus, and I'm going to bring this to your attention, we certainly do not want this used as a -- let's say a used car lot, all right, for personal vehicles, so that's something that is not going to happen as far as this process goes. Just a note for the Board, we have, through our investigation, determined that there is an oil separation unit in existence on the property, so any vehicle maintenance that goes on on-site, you know, that there is no threat, all right.

MR. CURTS: That's adequate to our needs.

JAMES MARTIN: Okay. That's what I have got.

DARIO MARCHIONI: How far is this proposed display area for these vehicles, from the edge of the road?

MR. CURTS: I would have to take a look at the plan here to get the exact measurement. You have to forgive me. I should have drawn that in. Based off of memory, I would like to say that it's going to be in excess of 40 feet, but I don't have that exact measurement there. If I had a ruler, I may be able to get the scale, but I --

JOHN NOWICKI: One inch equals 50. I think I have a ruler. It is more than an inch.

KAREN COX: It is about 40 feet if you scale it off.

DARIO MARCHIONI: The reason I ask that question, they're pretty close to the road. I was wondering, is there -- I mean for visual, to display the vehicles, since the building is not that far from the road, couldn't they pull in parallel with the building or behind the front setback of the building, or where the parking lot is? If people drive by, they can still see these vehicles there --

MR. CURTS: That's a great point, but heading southbound on Beahan Road there is a pretty good sized berm that the swale runs adjacent to that blocks the view of the parking lot as well as the small fenced-in area. So traveling southbound you wouldn't see anything.

Secondarily, when you're heading northbound, the larger warehouse building that is there, plus the trees that is there, you wouldn't see anything until you passed the building.

DARIO MARCHIONI: These are not cars. They're bigger vehicles, aren't they?

MR. CURTS: Mini vans.

DARIO MARCHIONI: Mini vans, so they stand up higher than vehicles.

MR. CURTS: They stand up tall.

DARIO MARCHIONI: The vehicles block the building, and they're right in the front parking lot -- front green area that really should be -- my opinion is that area should all be green with vegetation to enhance the appearance of the building, and have these vehicles parked back behind the setback of the building itself in an area -- you could still see them.

MR. CURTS: Sure. Well, it certainly could be done. But I would say that it would definitely alter the visual impact of it. Based on the size of that berm, if you were to put vehicles adjacent to that, I'm pretty confident you wouldn't have a -- a good visualization of what is there traveling by that on a 40-mile-an-hour road.

DARIO MARCHIONI: Then on the other hand, why do you need four spots? I -- okay. I --

MR. CURTS: That's for you guys to determine.

JAMES MARTIN: I think we need to take a look at, Dario (Marchioni), you know, during the site plan review what makes the most sense. There is no question about that. Anything else?

DARIO MARCHIONI: Yes. Basically we're always trying to eliminate front parking on commercial buildings and place the parking parallel with the building or to the back. That has been our principle for years, so I'm just wondering if it can be followed with this condition, if it

is possible. I think it would enhance the building, the property.

MR. CURTS: I can tell you that -- as the owner of the company, I'm very conscious about my image, my representation on every front. It's important to me to maintain my product display without being representative of a used car dealership. We don't run streamers or banners. We have a location in Syracuse as well as Rochester. We keep a very tactful, clean environment. So anything we would do with Board's approval would certainly be done with great taste and I'm confident we could meet the requirements of -- of anybody.

DARIO MARCHIONI: Because, like I said, in the past, we had a forklift operation on Union Street, and we did not allow him to park his forklift in the front. He fixes and repairs forklifts. He put them in the back, which -- the building itself, you can tell that it -- it -- you know, he operates forklifts, service, repairs and rental. So -- that was only one forklift. Here you got -- okay, well...

JAMES MARTIN: You know, again, we have allowed Lift Tech, which is just down the road a little ways, to essentially do, you know, what Mr. Curts is requesting, and I think we just -- I think we need to have balance, Dario (Marchioni), as to what makes the most sense.

DARIO MARCHIONI: Good. I just thought I would ask the question, if we can compromise.

JOHN NOWICKI: I think the question was good. I think we need to evaluate it. The economy is such that I would like to be in a position to support the business to make sure it grows. I just want to make sure that the vehicles parked out front are in top shape, top quality and they're being out there to sell, obviously.

MR. CURTS: If I could answer that. The vehicles that would be out there would either be a new vehicle or a one-year old vehicle with new equipment on it. The lowest priced vehicle out there would be in excess of \$40,000 vehicles. These vehicles are completely dolled up, they're waxed, extraordinarily clean.

If you have ever been to my operation on Jefferson Road, it's tight, it is cramped, we don't have the space that we need. But we try to do a good job of really keeping our image spit clean.

JOHN NOWICKI: Once we get the site plan -- that's all. Thank you.

KAREN COX: I had to think where it was for a minute on Jefferson Road.

MR. CURTS: Everybody goes by it fast.

JOHN HELLABY: Just a few curiosity questions. Size and types. I know you talked mini vans, but I definitely recall seeing like cube ambulances and stuff.

MR. CURTS: You're right. In the past I used to have a division of my company that was Autocrafting Emergency Vehicles. We actually built the Town of Chili fire rescue vehicles for the Fire Department Chief. We used to sell ambulances. We sold ambulances to the Town of Gates, Town of Greece, a lot of different villages throughout the state. I have since closed that division of my company.

We still do some medium and even larger scale service work. I do all of the service work for Monroe County ARC, if you've you have ever seen their full-sized passenger buses. We do a lot of work for many well-known construction, plumbing, electrical, heating, cooling, telecommunications companies, which do include cube trucks and some heavy-duty vehicles, as well. We're currently in negotiations for the RG&E contract, which would potentially need us to -- need a lot more space. So we certainly do, I think, fit some of the heavy-duty requirements of that space.

JOHN HELLABY: Does that proposal include their line trucks or just service?

MR. CURTS: At this point, just service. As we grow, we looked into other product lines. We have talked on the possibility of bringing on some light and medium-duty bodies. We have been approved in our current location for a General Motors pool to allow us to order vehicles directly from General Motors. So there is a lot of long-term planning for our business that I think that this particular site, with the acreage and the ability to expand the building, could properly accommodate. I have been looking for in excess of two years and this is the first time I really found something that fits my needs.

JOHN HELLABY: You had mentioned that at times it was pretty cramped at Jefferson Road. Can you give us an idea how many vehicles at one time? I mean granted the parking lot is a certain size, but I definitely recall going by Jefferson Road seeing them parked everywhere.

MR. CURTS: I will answer that a couple different ways to give you a better description. We are the largest retailer of wheelchair-accessible mini vans in New York State and between my two stores in Rochester and Syracuse, I sell 100 units a year. That gives you an indication. Most used car dealerships that are considered moderate in size sell 30 to 40 a month.

We currently have in stock, between our two locations, 40 vehicles as of my inventory count today. I just finished up the Time-Warner van contract for Buffalo and Rochester, so I believe I have 35 Chevy full-sized vans sitting on my lot. We're also in the process of building all Frontier's pickup trucks, retrofitting them with their equipment. I believe I have 20 of those pickup trucks. All in all, if you include my wheelchair-accessible vehicle inventory, I have 15 employees in my building in Rochester, I -- I probably have 100 vehicles on site in Henrietta at the moment.

JOHN HELLABY: Well, keep in the back of your mind I think when we get down to final, we'll have to talk about a cap on the number at any one given time. And -- on location. Hours of operation?

MR. CURTS: Hours of operation are 9 to 6, Monday through Friday and 10 to 2, Saturday.

JOHN HELLABY: All work that is done on the retrofit of the vehicles done on interior of the vehicles, not monkeying around out in the parking lot?

MR. CURTS: No.

JOHN HELLABY: Delivery of the retrofit items that goes in the vans. You're going to get tractor-trailer deliveries in there, I would assume. Make sure that is all shown and how you would accommodate those deliveries and frequency.

MR. CURTS: Yep.

JOHN HELLABY: Painting. Do you involve any painting or --

MR. CURTS: I don't do anything with any type of harsh chemical. I don't do spray-on bed liners like Ziebart or other companies do. I don't do any painting or body work. I don't do general service work on vehicles other than very minor stuff. I don't do New York State motor vehicle inspections. I don't change oil on vehicles. So I generally don't do anything with hazardous chemicals.

JOHN HELLABY: And lastly, what is up with Jefferson Road? Second site, or are you just vacating it entirely?

MR. CURTS: Hopefully my current landlord doesn't find out until we get everything through, hopefully. The plan is to vacate that site and consolidate. I currently, in addition to the 6700 square foot site on Jefferson Road, have a 5200 square foot building in Regional Market, which serves as warehouse and installation space. So my hope is to consolidate the two and possibly eliminate the additional space in Regional Market, as well. But we will be vacating the Jefferson Road permanently.

KAREN COX: Sounds like a good reuse of the business here.

MR. CURTS: I believe so.

KAREN COX: So tonight the goal is just -- let me reiterate, to get the special use permit, or that is your hope to get that approved so you can go ahead with your mortgage? Is that what you said?

MR. CURTS: Basically the final two contingencies in this deal are making sure that any special permits I need such as used vehicle dealer license or any other type of permits along with the mortgage are the only things holding me back from occupying the building in the form of a lease until the date that I close.

KAREN COX: So when do you plan on or hope to move the things over?

MR. CURTS: If I had approval, I would probably start immediately. I would plan on taking possession of the building in the next couple of days and getting ready. My hope would be to occupy and actually be up and running in that business in September, in that building.

KAREN COX: Can we do that before site plan --

JAMES MARTIN: You have to go through the site plan approval in August. So that --

MR. CURTS: I have a lot to move, a lot of networking computer wise.

JOHN HELLABY: If your engineer can get the thing in -- you got some deadlines to meet, but August 11th is the next Planning Board meeting.

KAREN COX: Okay. That was what I was -- it sounded as if it was -- the move was imminent. I just wanted to make sure. Otherwise it looks like a really good reuse.

JAMES MARTIN: I would suggest that you call the Building Department tomorrow to get a definitive timeline when you have to have your submission in in order to meet that August 11th meeting.

MR. CURTS: Not a problem.

JIM POWERS: There is only one bay door entrance into that building way in the back corner there. Is that large enough to handle the vehicles you work on or will you have to do some work on that side of the building?

MR. CURTS: My hope would be, obviously with permits from the Building Department, to put in a larger door, and in current garage door location, as well, to put a second garage door in, which I could outline in the -- in -- in a floor plan. Adjacent to that, to the left of it or the east of it I believe it would be, I would like to put in another garage door.

JIM POWERS: Securities wise, will you do any fencing of your parking area?

MR. CURTS: At the moment, unless I was required to, I would like to limit my cash outlay. Eventually as I grow into this property, I would. With some of the things I have in line down the road for -- for motor vehicle pools, as they're called, through General Motors and Ford, it would require fencing. It would require some different things. So providing that I was looking into the future doing these things and they met approval of the Town, that could be something that could be done down the road, but initially it is sufficient for my needs.

JIM POWERS: How much in the future do you expect to expand the parking area to the rear of the building?

MR. CURTS: It's a great question. It certainly -- certainly sooner than later I would require more parking. A lot of it depends on some pending contracts. Right now we are in the process of renegotiating extensions on some contracts, negotiating some new ones. So timeline wise I would have to probably sit with my engineer, I would have to sit with some of my key staff and really put together a timeline on -- on the growth pattern of the site. At the moment I wouldn't probably be prepared to answer that.

JIM POWERS: Do you know you have some bird guards out there? I was out there this afternoon, and I took a walk around the building, and there are five or six dark squirrels, I guess. They did not want me there. I left.

MR. CURTS: They're supposed to keep away anybody else that is trying to buy the building before I close. (Laughter.)

JIM POWERS: I was about ready to put a hat on, too.

JAMES MARTIN: My assumption is you bring back in site plan, it basically would be like

a Phase 1, and then, you know, you get -- you're showing parking behind the building, but that might be a Phase 2 activity as far as that goes.

MR. CURTS: Our goal is to occupy with as little cash outlay and as little structural modification to the building, site, as quickly as possible.

JAMES MARTIN: Okay.

JOHN NOWICKI: Just a couple of points. Conservation Board should be brought in as soon as possible. The other two areas we'll be looking at is lighting and security.

JAMES MARTIN: I think in your letter there is no lighting changes that you're proposing on the building.

MR. CURTS: No. Currently I couldn't see any need for any lighting changes.

JOHN NOWICKI: I'm just thinking security.

JAMES MARTIN: It's a good point.

And yes, I think with the landscaping you might want to talk with the Conservation Board to make sure you're on the same wavelength from that aspect.

MR. CURTS: Absolutely.

CHRIS KARELUS: Just want to let the Board know I did, took a chance -- took the opportunity to visit Mr. Curts and his operation on Jefferson Road. The storage he has, it is all clean storage. The vans that were there to be retrofitted and worked through the business, they were all new. So, you know, the stock of used that he has on site, he used for the accessible van conversions. Good business. Good operation. I think with the limited space he has, he indicated at the front, his intent is to try to have the display areas very orderly. He is trying the best he can on Jefferson, but by the space, he is limited.

All in all, the only thing I would bring to the Board's attention, he does have outdoor racking of display type areas. So with a special permit, I ask the Board recognize he will have outdoor display. I have discussed with Mr. Curts, he is committed to having that behind the building, so it is out of the public's view, but, again, all of the storage is clean storage, racks he will use for the business purposes and it is all new equipment, nothing used.

KEN HURLEY: I apologize for not having written comments. I actually just got home today. I was on vacation last week. Just a couple of things. Dealing with the site plan, when you come back. One thing that you should know, the Town Code currently says if you develop -- if you disturb over half an acre, you need to prepare a Storm Water Pollution Prevention Plan, details, notes, et cetera. If you're not planning and you're in a hurry to get this approved for what you might want to do, you might consider breaking it into two phases and only showing Phase 1 right now on the plans. If you show both phases and the Board will approve both phases, you need to prepare the SWPPP and do everything according to code, as it stands right now.

Basically, we'll need two stamped engineering plans, storm water design of the piping, proposed pipe and just a bunch of details for all of the work here.

MR. CURTS: Thank you. I believe my engineer will -- will probably know a lot more than I do about the particulars and how to work within the parameters of the Town.

PAT TINDALE: I'm just going to invite him to one of our meetings so we can discuss the landscaping.

MR. CURTS: I would be happy to come. If you come to my house, you love landscaping. I probably have 12 different kinds of trees. I'm big on landscaping, color and foliage.

PAT TINDALE: This is good.

KAREN COX: They like to hear that.

JOHN NOWICKI: Good move.

JOHN HELLABY: Just a quick question on what Chris (Karelus) has mentioned, this rack storage thing. Expand a little. Are we talking just racks that go on trucks or is it a big display?

MR. CURTS: I can elaborate. Something I had a note on that I skipped over. What he is indicating is I have some pallet racking I use behind my current building for overflow stock of commercial truck caps. If you ever seen any of the municipal trucks and commercial truck caps they have with ladder T racks. Right now I have contracts with Time-Warner and Frontier to do 35 of them. They can't sit on the ground. So I have access overflow pallet racking that currently is behind my building that allows me to keep that off the ground and keep it away from the elements, so to speak. A little rain or snow won't hurt it, but any rocks or any kind of debris I like to keep it away from that.

JAMES MARTIN: That will go behind.

MR. CURTS: I was looking to go right directly behind the building with that.

JOHN HELLABY: Does it have a rain cover over it or just wide open?

MR. CURTS: Right now that is wide open. That is probably something I will discuss with the engineer, whether it is feasible to do a canopy or tarp or whether or not we leave it open and exposed.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JAMES MARTIN: Quiet an audience tonight.

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

JAMES MARTIN: Under Section 520 in our code, under Limited Industrial, I think the

section that most appropriately applies to the special use permit request is Section Number 7. It says, "Motor vehicle sales, parts distribution, repair and service stations intended to serve primarily," and I use that -- I think that is a key word there, "primarily large trucks, including tractor-trailers and recreational vehicles provided they are located within an airport development area transportation overlay," which it is, "and all of the vehicle maintenance shall be within the enclosed building," which you said you're willing to do. So I think that is the pertinent section in our code that applies to this. I think we have examples in the area, as I already cited, Live Tech, which is just up the road on Beahan. Beahan and Paul.

Certainly, you know, the Mack truck facility that went in over in -- in Jet View, obviously they were large trucks, but similar thing, service and sales in the area.

So, you know, you basically have light to medium-duty trucks, all right, and as I say, the key word operating here is "primarily." So I just wanted to bring that out as far as the code goes. Okay. Again, what I want to do now, at this point, I have captured some conditions, and I think what I would like to do is read the following, and then we'll go into SEQR, and then we'll talk about time period and then we'll vote.

At this point, I think per the applicant's letter of intent, which we have, the following shall be included as conditions of approval. This is on the special use permit now. Okay? And may be subject to modification upon completion of the site plan review. So I want you to understand that, okay? There are going to be some conditions tonight, but they could be changed. They could be something else happening.

All current landscaping shall be rehabilitated. We talked about that.

The proposed display pad, and again, I have said constructed of concrete, but we'll negotiate that down the road when we get the site plan. But the proposed access drive with the display pads shall be constructed in a manner that will make it a drivable surface. We just don't want that ruts out there. And that happens down at Live Tech all of the time.

The display vehicles shall be on display only during normal business hours, whatever number we eventually agree to, all right? And the site shall not be used as a used car lot or a vehicle sales lot for personal vehicles. I have captured, though, as part of the special use permit process and, as I said, we may end up modifying doing something to it as we end up down the road as we get with the site plan.

Okay.

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

The Board discussed the application.

JAMES MARTIN: You're planning to stay there are for a long period of time, right?

MR. CURTS: Long time.

JAMES MARTIN: Once again, once building permits are issued, assuming everything goes well, if we grant a special use permit, it becomes permanent, okay? So I would say unless something happens, we could go with five years from now and if it becomes permanent, it becomes permanent. I mean that is the way the code reads, people, okay? Five? It becomes a moot point once building permits are issued.

JOHN NOWICKI: The site plan has to be approved.

JAMES MARTIN: If we approve the site plan and everything goes forward. I will put five years.

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

1. Approved for a period of five years.
2. Per applicant's letter of intent, the following shall be included as conditions of approval, and may be subject to modification upon completion of the site plan review:
  - A. All current landscaping shall be rehabilitated.
  - B. The proposed display pads shall be constructed of concrete.
  - C. The proposed access drive to the display pads shall be constructed in a manner that will make it a drivable surface.
  - D. The display vehicles shall be on display only during normal business hours.
  - E. The site shall not be used as a used car lot or a vehicles sales lot for personal vehicles.

JAMES MARTIN: Now I want to deal with the tabling of the application for preliminary site plan. Do I have a second to table the application on the preliminary site plan?

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion to table the application for preliminary site plan.

DECISION: Unanimously tabled by a vote of 6 yes until the August 11, 2009 meeting for the following reason:

1. Pending the submission of a formal site plan.

JAMES MARTIN: Okay. You're all set. We'll see you in August. Call tomorrow and get the timelines.

FOR DISCUSSION:

1. Midlakes Development, 758 South Avenue, Rochester, New York 14620 for proposed mixed use development of 741 Paul Road in RB with PNOD zone.

John Caruso, Betsy Brugg, Jack Howitt and Frank Imburgia were present to represent the application.

MS. BRUGG: Thank you very much. Good evening, Mr. Chairman, members of the Planning Board. For the record, my name is Betsy Brugg. I'm an attorney with the firm of Fix, Spindelman, Brovitz & Goldman, and I am very pleased to be here tonight to present a concept for you for a proposed development that we're very excited about.

With me this evening to present is John Caruso from Passero Associates, our Project Engineer, who has been working diligently on this plan.

Also available, if you have any questions, Jack Howitt of Midlakes Development and Frank Imburgia, the developers and builders of the project, are here to answer any questions you might have.

This is our first appearance before the Planning Board, first step in a long process to present this project to you. Hopefully you have gotten -- John (Caruso) left you a reduced size plan and some elevation samples, things to look at.

We hope that tonight we'll be able to get some feedback and comments from the Board and get some direction so that we can move forward with a formal application in the near future.

What I would like to do is just do a quick overview of the site location and the zoning and history of the property, and then turn it over to John (Caruso) to talk about specifics of the site plan.

The site is located on the south side of Paul Road, between the Wegmans, the Wegmans plaza and The Fathers House, with residential uses across Paul Road and residential to the north and south of the site.

It's approximately 36.1 acres in size. The underlining zoning of the property is Restricted Business, and in 2004, an overlay of PNOD became applicable to the parcel in connection with a project substantially similar to what we're presenting this evening.

What you have before you is a project that includes 116 residential units, a combination of senior townhouses and single-family townhouses that are not age-restricted, together with some neighborhood appropriate, neighborhood retail, smaller scale -- neighborhood appropriate types of commercial retail and Restricted Business type uses with some possible upper-level apartments. That hasn't been refined yet. We're all very sensitive to the issues regarding this piece of property. This is a very, very important location, and we recognize this is a very important location to the Town and to the residents in the surrounding area and in proximity to the site.

Back in 2004 a very similar plan was presented to this Board. In 2006, a far more intense commercial use project, large scale commercial project came before the Board and we're very pleased to be presenting what we hope you will find to be really the ideal project for this use, something that really complies to the maximum extent possible and practical with the PNOD zoning, and with, I think, what everybody would like to see developed on this property.

We're proposing an upscale residential and neighborhood development, something with a real village feel to it, with attractive architecture that unifies the various uses, and really, um -- really conforms to what the spirit and purpose of the PNOD zoning is. And with that, I will just refer to the -- to the Town code with respect to the PNOD District -- and for those who don't know, and I know the Board is aware, but we do have residents and neighbors here -- Planned Neighborhood Overlay District.

The purpose of the PNOD, and I will just read directly from it, is to provide flexible land use and design regulations that promote unified and orderly development of neighborhoods in the Town. A prerequisite is the preparation of a plan that allows for orderly transition of land uses both internal and external to the site and includes a mix of residential and commercial, Neighborhood Business and open spaces uses. And that is exactly what we have presented to you tonight.

The plan that we have presented utilizes the flexibility in the code to promote a unified and orderly development of this site as part of the neighborhood.

In particular, the site provides a transition both internally and externally as the PNOD is

intended to promote. We have the most -- I will just refer to the smaller plan here. We have the commercial aspects of the development closest to the intense commercial uses on the Wegmans parcel. They certainly are not as intense as the Wegmans plaza, but it's a transitional use. It's a transition from the intensity of the Wegmans, to the commercial that we're proposing in the PNOD, over to the mixture of residential uses and then onto the surrounding existing residential uses and The Fathers House.

As you can see from the plan, and I am sure you're aware, there is a federal wetlands smack in the middle of the site. The natural features of the wetland and the property really provide a wonderful and natural way to transition and separate the commercial uses from the residential uses while allowing us to incorporate that in a fully integrated site plan.

Along the lines of the PNOD zoning, I also want to point out that the project is consistent with the intent of the PNOD to provide for mixture of land uses, and what you will see from the plan that is we do incorporate a variety of residential uses that include senior townhouses, non-age restricted units, Neighborhood and Restricted Business types of commercial uses, open space, the wetlands is -- is incorporated into the plan with minimal impact on the wetland and potentially apartments.

As I mentioned, our intent is to comply with the zoning and the PNOD to the maximum -- to the maximum extent possible. We do recognize that a variance or perhaps a couple more variances might be needed depending on how this plan evolves, but we believe that any of those variances that might be required, area variances would serve to really produce a much better project and really enhance the quality of the development.

With that, I'm going to defer to John (Caruso) to talk about the specifics of the site plan.

MR. CARUSO: Not much left for me to talk about --

MS. BRUGG: Oh, yeah.

MR. CARUSO: So I won't.

Good evening. I'm John Caruso with Passero Associates. And Betsy (Brugg) has given us a great introduction, but I wanted to fill a little color in our presentation tonight to tell you that in all of the projects that we have done, it's very, very rare that we're able to dovetail a design into the zoning, especially when the zoning is as complex as this Planned Neighborhood Overlay. If you have read through it, you can see that there is parts of -- of the code that there are some issues with and it needs a bit of interpretation. But even when we did the Medley Center, the Irondequoit Mall project this winter, which is a very complex project, we couldn't dovetail the design into an existing facility there. We wound up having to rewrite the zoning. Here we have the zoning and the design dovetailed right into it with very little variances.

And the variances that you will see that we're going to need to deal with are really along the lines of what our client's product is, and that is that he wants to serve more of the senior community than the code permits. There is a restriction of 35 percent and we want to have about 66 percent.

So -- we'll talk about that a little bit more. So very, very interesting. However, we do really need to take into account the sensitivity of this parcel. It's a very rare type zoning that allows the transitional use right inside of it. What do we typically bring to you, as a Planning Board, is the second or third step in a review process which is called rezoning, where we have to come to the Planning Board to get that referral. And what we're trying to do is take one piece of land and one is over here and one is over here of different zonings and we try to put that transition piece in the middle of it. Usually it is multi-family development, which will transition nicely from commercial to single-family. But here, the PNOD is so unique, it allows you to do it right within the parcel. And I believe, as Betsy (Brugg) pointed out, the success of that is we happen to have this natural feature, where it is that wetland. That 6 acres of wetland in the middle really allows that buffer, so these two aren't sharing a common property line. So if you look at this project, it is one of those things that a duck is a duck. You're going to wind up with one development on one side of it and the other development on the other side and thank God we have that diversity of land uses in this area.

We'll be right up against Wegmans. It is hard to put sort of anything over there that isn't somewhat commercial. Even in the Neighborhood Overlay -- the neighborhood zoning is -- would be tough to put up against that.

So I think we have got a nice plan that does double transition all within one piece of property, and the makeup of the residential area is 116 units. There are 76 of them on -- I will leave the podium and point for a minute, but about 76 of the units in this area here comprises what we consider our senior community, and this is our non-senior community here (indicating). However, these types of units are so similar that we don't expect to be drawing families into this area. This is still two-bedroom, um, two-bath type stuff, so that we might have an empty nester or a professional without kids, but that is our intent there.

And that does exceed the restriction on code to be limited to 35 percent.

But we think we would start that development area, after we cross over that wetland in there, and that is what you see on your plan, us crossing over with the guide rail in that there.

116 units on that -- that acre, that acreage there, it is about 25 acres of the 36-acre parcel. That density is about 4 1/2 units per acre. Now, you know in your code, multi-family residential is usually in the 8 to 12 units per acre range. So you can see that that is why in our site data, we're meeting all of the open space requirements. It is easy because we're not pressing the limits on density. That is sort of a nice thing to have. On the flip side of it, the commercial area, 52,000 proposed square feet, and no big boxes. So I hope the people who looked at this project before will recognize it is quite the opposite. It is that -- if you will look at some of the photos in

this package that you have, that is our intent, to have this village type, with the architecture. We know what Walgreens went through, and I think we -- we know what you're looking for there. We have our architects working on that type of facade and building elevations to bring to you as we move forward.

So with that, let me begin to talk a little bit about the site plan. At this point, we're proposing two means of access into the property, and I know that we need to deal with Monroe County DOT on that. I just think if -- we're here informally, as concept, but I really think that two means of access serves this site well. I think one serves the commercial area, and I think the other one serves the residential area. And we can tie them together, and we can loop them. We can have redundancy for emergency services, and the intent of this is to really promote access to a mixture of uses that can integrate amongst each other.

The cross access that we have shown in here also promotes leveling. So if things get busy, you have another means of access to go to, we try to do that. It is a very common approach in planning.

Not all of the Board members may know, but we did have a chance to meet with DRC earlier back in May, and at that time, we picked up a few hints. And so our plan now integrates a full pedestrian walkway systems through the whole entire project, even along Paul Road, even though there are not sidewalks along Paul Road. Our intent was to have an active and passive pedestrian system in this parcel that includes a loop road, internal to the project and through the entire perimeter of the project. You can see that we extended our sidewalk system so it also walks through the street of shops in our commercial area.

In addition to having a sidewalk system out to Paul Road, that invites some of the neighbors and residents of the area who might want to come to the residential area.

Along the easterly perimeter of the wetlands, you will also see a trail system. So we're breaking from the sidewalk, along the roadways, to a trail system, and this also provides the purpose or -- or could be considered a delineation where the wetland boundary is, where we have this trail, so we know nobody can go into the wetlands. So this sidewalk system or the trail system delineates the edge of the wetlands. So we'll always have a marker, if you will.

There are opportunities for us to integrate other parcels outside of our parcel into our trail system. However, we don't know who they are yet. We're not opposed to that yet, however, we don't want to show on our plans trail systems over to The Fathers House or over to the Town land in the back and be promoting what might be mischievous, if you will.

If you look around our parcel, we also include in the residential area, a Community Center. And there is open space adjacent to the Community Center for whatever it is we might do. I don't know if a -- if a playground is appropriate since we're not looking to have children there, but we may do more of the passive rec -- open space and recreation that we have behind -- if you look to the southwest corner, you will see we have a little sitting area. We may be doing more of the same.

In addition, you can see that there are several storm water management areas on site. We haven't given up on, you know, our code and design requirements for storm water. They're located right now, based on some rough topography, and where the low points are on the site, and we think we're going to wind up with several of them.

With respect to landscaping, we intend to landscape the entire site in addition to foundation plantings around each of the town homes and commercial areas. We would design for the Conservation Board to review an overall site, landscaping plan, and in addition, have the foundation plantings all specified out.

With respect to utilities, the site is very complex to be served by utilities. It has utilities available to it, sewer and water, but it is a challenge to sewer these projects. So we are anticipating having to use pump stations to remove the sanitary sewage from the site. And that challenge is something that we're looking into overcoming by possibly putting subdivision lines down over the town homes. Now, the reason behind that is it's strategic. We would like to dedicate our sanitary and our water system, while we maintain a private storm sewer system. The significance here is, we're not very good at maintaining pump stations, and Pure Waters is. It's very expensive to construct -- to design and construct a Monroe County Pure Waters pump station. However, if we're strategic about it, we might be able to place the pump station somewhere in our southwest corner that it could also serve one of the properties adjacent to it, because the second phase of the Archer Meadows project that was approved by this Board needed a pump station to service it. So if we put in a municipal pump station, it might service others in the community and it would be to our benefit in that we did not have perpetual maintenance of it. In order to do that, we would have to subdivide the lots like it was a fee-simple town home project, and then we would also have to install, for each unit, its own laterals.

Now, that might not be such a bad thing. It might be a good thing as perceived by the Town. The reason is, because ten minutes ago we were bringing you a rental project, and now you have a rental project that could be converted for sale later on. And I -- sometimes that is better perceived that a project could be sold to individual -- to individuals and then we could do a Homeowners' Association. Now, this is pie in the sky, but this is really the best of both worlds. So we were -- we're looking to do that. We have not confirmed that. This is conceptual and informal, telling you what is on our mind. That would also allow us to dedicate the waterline.

JOHN NOWICKI: The roads?

MR. CARUSO: The roads we're not proposing for dedication, because, first of all, I know the Highway Superintendent doesn't want them, but it imposes a setback off of a right-of-way,

and that right-of-way, it would be right inside the front door of each of these units. So again, this is a little bit of a best of both worlds. We're not imposing the dedication of our roadways, but maybe the sanitary sewer system, but we will need some help from the Town when we get to that point in looking at how does the subdivision of each of those town homes -- are we going to be able to do it without any variances. We already know we're going to the Zoning Board for the variances on the seniors, so maybe it is not such of a stretch to -- if we need to adjust some variances for building setbacks.

Okay, with that, let me talk a little bit about the buildings that we have. If you could just turn to your photos there, this gives you an idea of some of the facade (indicating). You can see there are some dormers, bay windows, lighting, and we tried to give you an idea of some of the flare that we're looking at.

With respect to the town homes, similar tying the commercial architecture in with the residential architecture, the dormers, the windows, the brick. We're looking at a two-car garage. And I know we talked about at DRC storage. I wanted to tell the Planning Board that we are considering putting basements in these units. That's a real big selling option. We would like to do basements in all of the units, but until such time we get to do our deep hole test and some soil borings on site, I don't know what sort of water there is in the ground next to the wetland and we don't want to create, you know, a water problem in the basements. But wherever we can put basements, we most likely will.

And again, that came up at DRC when we were trying to talk about storage. If people are empty nesters or are downsizing, what do they do with all their stuff? Some people leave their home where they raised their kids and move to a bigger house, even though there is just two of them, right, Jim (Martin)?

(Laughter.)

JAMES MARTIN: Not all of the time.

MR. CARUSO: Not all of the time. But in this case, you know, it is interesting to us to provide basements here. There was a discussion we had about a two-car garage, and Chris (Karelus) and I were talking about what would be the width of these garages. And would we make them deeper than wider, and, you know, Jim (Martin), I thought we talked about when he moved over to this position, we were going to take the ruler out of his hand -- the scale, and put a ruler in it instead, because we don't want him measuring things on the scales any more.

But that certainly is our intent. We know in our architecture we're looking for storage.

So two more things to talk about and then I'm going to open it up to discussion. But I figured you would be asking me about phasing. What would our phasing look like, and we're not certain. I just want to be honest with you, there is discussion about coming in in Phase 1 and just doing the whole entire residential project, but we just don't know if that is realistic or if we can get financing that way. We wouldn't want to come in a fall-back position and maybe do up to the bridge or a portion of -- a portion of the non-restricted rental and to initiate the senior community.

With respect to the commercial area, that is going to be different by the market. When we get tenants, we'll probably come in and do that in phases. So I want to put out there that even though we're going to go through this approval process and preliminary and final, there may be a change to the design of the commercial area that we're going to have to bring back to the Board because a tenant may want this, versus that. However, we know with respect to the PNOD, that you can't exceed 10,000 square feet. So the sensitivity that we were talking about earlier in Betsy (Brugg)'s opening remarks, um, we know that. We don't want to put these big boxes here that the neighbors did not want before. We get that. That is why you see that these buildings have been broken up, and in and around a street of shops that our sidewalk system could promote access in front of these people -- in front of these businesses where we get our community maybe buying services right within their own backyard.

Lastly, on phasing, as our project progresses and you start to see more developed plans, we'll be more accurate with time frames and where we're going with that. I just didn't want to overlook it in tonight's presentation.

So closing out, where do we go from here? What are we going to do next? I think we want to tell you that we're here to hunt and gather. We're taking comments from the Board. We haven't even heard them yet, but we're going to take notes. We have had the benefit of hearing that from DRC. Your Town Engineer was good enough to forward us his comments today. The Building Department is -- we're looking forward to their comments, to take these all into account, the community's comments, put them in our plan and start to move the project forward. That is on the production side.

But we also have the project administration side. We have some work still yet to do. We have a market study that we're undergoing right now for the purpose of updating to show you that this senior thing is still viable. What allows you to support us to exceed 35 percent? It is because we're going to have a study that shows that we can accommodate -- that this 76 units here can be rented for the seniors.

We also have some work to do with Monroe County DOT. We want to show them our plan. We want to scope out with them the extent of a traffic study. Do you remember back several years ago when we worked with the -- with this community and we looked at the whole corridor, and that is when this -- this PNOD was just -- began, and they started looking at doing a commercial use here, you know, the big boxes, was very different than what you guys had approved and the Town initiated us to look around the corner what was going on. Well, we never really got into this site here because it was being thoroughly studied by you and the

applicants, and so having this project come to us was really a blessing, because we really got to get into this a little bit. But now we have full knowledge because we have the information from our work in the past, that looks all of the way around the corner. And so we want to talk with -- in addition to marketing, we want to talk with Monroe County, because at that point in time we were the experts on traffic. We had done the traffic all of the way around the site. But since then, Walgreens has come in. They did a traffic study. Um, Target came in. They did a traffic study. No longer are we the people who know all about what is going on with the traffic. So we need to genuflect a little bit, get all that information in our heads and we want to talk with Monroe County, all right. We need to do an updated traffic study, where should we do it and why, and how far do we reach. We some information that goes all of the way around the corner. Do they want us to look that far? We want to talk with them about our curb cuts, where we think they are justified and try to get into their head where they left off with the Target project. Okay?

We also are continuing the development of our architectural work, looking at our floor plans and where does this space come from in these units that we can't have basements. How are we going to do that? How is this going to look different than what we're proposing and showing you now.

The commercial buildings are look-alikes. They're not our product. The residential buildings that you see are our product, so we're looking to modify and that is a good thing, because you're seeing right out of the box what we're intending here.

We want to start looking at how we're going to begin and develop our approach to SEQR. We're going to take a real hard look at that, and when we come back with our product to show you where this project is going next, we want to have all our studies done. We're going to do as much as we can to really take a hard look and allow you to evaluate our review of SEQR.

And we need to do a topographic survey. A topo survey has been done. A wetland delineation has been done. That delineation is good to 2011. So we don't have to do a wetland delineation. But we do want to check the topo out there, and the place is grown over. We want to have a site walk, Jim (Martin). We talked about that, Jim (Martin). The reason I haven't initiated a site walk is because you can't walk on the site. It is up to here (indicating). It is Vietnam over there. So we need to do some selective brush hogging. I'm not talking about taking trees down, but we need to clear so we can shoot topo in there. Then I think it is appropriate for us to go in there with a topo map and do our site walk. Then you will see. Now, the wetland is flagged, so we know where to go and how to stay away from it, and also to give it a little buffer so we don't want to have any trouble.

That is where we're going on the project development side. We have these things to do. We have community, public and Town comments to take into account in our plan, and we would like to do that and either return to DRC or come back to the Planning Board to show you what we have got. Then we want to go into preliminary design. So with that, I would like to open it up to questions.

JAMES MARTIN: Thank you, John (Caruso), thank you, Betsy (Brugg), for your presentation.

There are a couple of comments. Number one, I think it is a very exciting project --

MR. CARUSO: Thank you.

JAMES MARTIN: -- for the Town. I think, as we talked about at DRC, if you're going to have a successful commercial area, you really need to have people around it.

MR. CARUSO: Yes.

JAMES MARTIN: I think this particular proposal begins to meet that demand.

The more I read the PNOD zoning code in our book, the more unhappy I get with our PNOD zoning code, okay? And, you know, I know the intended purpose when it was written, and I think, again, it certainly had value at that time, but to me, at this point, I really think we need to go back and take a look at it. Because I think it is too restrictive from the standpoint of some of the things that I would like to see as far as a particular project goes, and again, hopefully a market study is going to verify that the demand is going to be there for the senior community living, and there are just some issues in that code that I think we need to take a hard look at.

Looking at, you know, the overall layout, certainly this is concept at this point, and I don't think I want to go into a lot of details, and the Board can certainly, you know, do whatever they want to. We have a raft of comments from Mr. Karelus regarding what has been put before us at this time. You know, I don't want to go through all of these at this point. I think that certainly there are a lot of aspects that would change once you really get your hands around this particular project and we have a much better understanding, but I do look at some of the things that are on there and you have the cute little cars over the sidewalk. I mean little things like that are probably going to have to be modified and adjusted. You don't want cars parking over the sidewalk -- just silly things like that.

You know, again, you two will have to get your heads together, because there was a comment in here that there is a five-year window on the wetlands delineation. It was done in '03, so we're past that. So I don't know which --

MR. CARUSO: There is an updated one that Chris (Karelus) may not know about.

JAMES MARTIN: You get that straightened out.

We talked about phasing, and obviously that is still to be determined at this point in time.

Certainly at DRC we talked about the storage and the basement capability of some of the units, and I think that is a very desirable aspect for this particular project.

Certainly, any negotiations that needs to go on around the cross-access is going to have to be addressed.

MR. CARUSO: That is definitely one of our homework issues.

JAMES MARTIN: Yes, it certainly is. I think you have shown on your proposed site plan here that at one time we talked about a stub coming from Archer Meadows and that you still got space allowed, if that stub were to be put in place, that we would have that access. Is that -- am I correct in -- in --

MR. CARUSO: Yeah. What Jim (Martin) is talking about is when we did the Archer Meadows project, we left a dedicated right-of-way going to the north, and in waiting for -- if the -- if the PNOD project ever was to go forward and dedicate its roadway system, we would be able to bring through a dedicated roadway, just a connection point. Um, but we don't have dedicated roads here, and so that stub is sort of useless.

JAMES MARTIN: Okay. Well, I just --

MR. CARUSO: But it was a good point to bring up, because I wanted you to know, you know, it -- we always took that chance when we left it in the other plan.

JAMES MARTIN: Assuming something happens down the road with the 16 acres, basically, to the east, um, that -- that again, we would be looking for potential cross access into those 16 acres. I'm not sure, you know, if there are any -- there aren't any plans in front of us obviously, but the parcel between The Fathers House and this would be something for consideration purposes.

I think, again, the spacing on some of the units is a little tight. We're going to have to deal with that as we move forward with this project, and to me, that again is something down the road. So, you know -- but again, I -- you know, I look at this, and I remember where we were -- how many years ago was that? And how many iterations did we go through with the previous PNOD proposal? And this is similar in character. There is no question about that. There were a few frills on that one, that yeah, it looked very attractive from an architectural standpoint. There were decks overlooking the wetlands and things like that, but just point that out, that -- from the standpoint of what we have in front of us now versus where we were, you know, not that dissimilar.

I think working with the Conservation Board obviously on landscaping, um, certainly, you know, we will allow them to do their thing with you.

MR. CARUSO: Sure.

JAMES MARTIN: And come to whatever conclusion that brings us to.

You will need to tell us more about the lighting and those types of things. I look at the road network, and I look at, you know -- it being private roads. I'm not sure, John (Caruso), where -- you know, where all of the snow is going to go. And just looking at this, I don't know where it is going to go. Okay? So it is something you need to think about, tell us what your plan is to handle that or to address that particular issue.

Just looking to see if I had any more comments. That is kind of all I got right now.

JIM POWERS: You have touched -- based on a lot of it, um -- John (Caruso), what is the square footage on each of these units?

MR. CARUSO: They're about 1,400 square feet, Jim (Martin). They're good-sized town homes.

JIM POWERS: One of my concerns is the density of the overall complex, the residential area in particular, and the phasing. Supposing the commercial area does not fall in line, so to speak. Would you anticipate moving more residential area, homes into that area?

MR. CARUSO: No. I wouldn't. It just doesn't seem to be a good mix with the bank and Wegmans parking lots right there. And it is not the intention of the code. The zoning doesn't allow us to do it.

JIM POWERS: Going back to that Archer Meadows Subdivision, it seems to me that -- when that came before us -- I think I was a Town Board member at the time. When they came in with that subdivision, I know there was a lot of discrepancy over the road system, and there -- there was a straight road originally and then it weaved and waved.

But there was a big fuss about tying into this PNOD project. And it seems to me that the developer at that time did not want anything to do with that. And then one -- then along the way, there was a right-of-way, I think, that was going to be -- to be on the Zuber property, above Archer Meadows, from here over to Archer Road to do away with one of these road cuts on Paul Road.

Has that been looked at all?

MR. CARUSO: Yes, Jim (Powers), it has. We were part -- we were the engineering firm for the developer, and we reserved right here in this spot (indicating) -- it is showing up on that little sketch you have, but there are two little short lines on where the stub road, a 60 foot right-of-way that was left and where the stub road could be brought into this project. At that time the -- the proposed development there was uncertain as to whether it was going to dedicate roadways or not. And so we were asked to give up a lot. The developer lost a lot. And he put a right-of-way there. So if this development had gone forth and did a dedicated roadway system, there would have been a place for it to tie in. But having a private driveway, private roadway system tie into a dedicated street, um, is not appropriate.

So that's why we're not doing it here.

And I'm not certain if that project is ever going to get built. I mean the developer is not bringing it forward. He needs a pump station to get back in there, and it might have a whole -- the approval has expired in final. He would have to come back and get final all over again. So...

JIM POWERS: There were a couple of other things I wanted to bring up. On the literature that I have, who is Midlakes?

MR. CARUSO: Midlakes is one of the names of -- is one of the company names of our -- our sponsor, our client, and that is Jack Howitt, who is here tonight. Jack (Howitt) is the -- Jack (Howitt) is the managing member of the partnership.

JIM POWERS: And Howitt is -- is he one and the same?

MR. CARUSO: Yes. Jack Howitt is the President of Midlakes.

Is that correct? President?

MR. HOWITT: CEO.

MR. CARUSO: CEO. He gave himself a raise. (Laughter.)

JIM POWERS: Who else is involved?

MR. CARUSO: In Midlakes?

JIM POWERS: Yes.

MR. CARUSO: Well, Jack (Howitt), would you like to answer?

MR. HOWITT: I'm sorry, would you repeat that, please?

MR. CARUSO: Who else is involved in Midlakes? Any other corporate members?

MR. HOWITT: No. Midlakes is the construction and building arm of Midland Management. It's a wholly-owned corporation of Midland. And, of course, we have a fully staffed employee group.

JIM POWERS: That's all. Jim (Martin), you touched on a lot of bases. Thanks, John (Caruso).

MR. CARUSO: You're welcome.

KAREN COX: Jim (Martin) covered a lot of -- as this Jim (Powers) said, covered a lot of ground with his comments.

There is just a -- a couple of those units -- and I know this is a conceptual plan and dimensions may change, but a couple of those units down in the little arms of the wetland look a little close to the wetland, to me. I mean it is a small plan. So I guess we'll have to look at that when it comes back.

MR. CARUSO: Which side, Karen (Cox), here or here (indicating)?

KAREN COX: No. The east side. That little triangle there.

MR. CARUSO: This in here (indicating)?

KAREN COX: Yes. I don't know. I mean -- you know. What I can foresee is that at least on that one, the smaller arm, eventually the -- you know, the -- when the lawns start getting mowed, that part of the wetland may disappear. You know, obviously the Army Corps will be involved in commenting on this, so they may have a different opinion.

MR. CARUSO: I don't disagree with the general concerns about the proximity of the project, but that is what sort of makes it neat. I think that there is -- there is some tight grading that we need to do and when we do the grading, it will actually show us where we need to set these.

I also do agree with the short driveways. We want to maximize them to the extent possible, and we did not have the time to readjust the plan after we wanted to put that pedestrian walkway in, and then realized that we only had 15 feet of driveway because the 5 feet had to come out of somewhere. However, if we were to go around the entire perimeter of the residential area and expand them all out to have 20 feet of a driveway and then the sidewalk and then you have that real full 25 foot depth of driveway, um, one way to do that would be to move the buildings 5 more feet into the setback. Because I believe we have a 40 or 45 foot setback around the perimeter, and it backs up to nothing. So that is one of those good variance/bad variance situations that happened, and do we make our project better by making all of the driveways 5 feet longer. We're going to the Zoning Board anyway, and we encroach into the setback by 5 feet. It is something to think about. That whole separation issue sort of goes away. So I just wanted to put that out there, because at this point in time I'm trying to solve these problems as they come up, and how do I do that? There is only so much space out there. If they made cars smaller, maybe that would work. I can't count on that.

JAMES MARTIN: We're all driving two-seaters, you would be fine. (Laughter.)

JIM POWERS: Jim (Martin), just for a minute. John (Caruso), who is going to oversee the maintenance of this project?

MR. CARUSO: Um, Midlakes.

JIM POWERS: Midlakes?

MR. CARUSO: Yes. Jack (Howitt) does oversee all his own development projects. Jack (Howitt)'s company, I should say, and his partnership.

JOHN HELLABY: Lighting district, I assume?

MR. CARUSO: I don't think we'll be doing a lighting district in a private development, John (Hellaby). That is if you dedicate the roads.

JOHN HELLABY: Will there be some sort of lighting --

MR. CARUSO: Yes, absolutely, there will be.

JOHN HELLABY: As far as the span on these two road crossings over the wetlands, how do you envision that taking place? Box culverts?

MR. CARUSO: Probably not box culverts. I would like to do them with some CMP culverts, and that way I don't have to put all of the grading in. We want to disturb less than 5/10ths of an acre so that we can get a nationwide permit, and that is re -- that is done very strategically on this plan, I can tell you. We are working with wetland consultants. We're not fooling around here. We have wetland consultants to make sure our application goes in and it is nailed right down, so when it goes in, it goes through. Dealing with the federal government right now in any aspect of DEC, State or federal level is very difficult. And it will put the stop on your

project quickly. And that is one of the reasons that in our design, different -- Jim (Martin) pointed it right out, as he does, going into the wetlands in this project is an absolute no, no, no for us. We just don't want to get into any Federal or State permits.

As the other plan that Jim (Martin) pointed out that had the nice bridge walking through the wetland; however, that project was never constructed. It is debatable whether it was constructible. We really don't want to go into that area. It is something we want to preserve. That is why we thought an element of our trail system would be to demark the edge of the wetland with the trail so we knew on this side is wetland and you stay out of it, that way the guy cutting the lawn isn't making mistakes. He knows he goes up to the edge of that asphalt walking path, and that is where he stops.

KAREN COX: But on the other side --

MR. CARUSO: We have ways to fix that, too.

JOHN HELLABY: John (Caruso), I know it is real early in the stage of this thing, but how do you envision the storm water management area? Retention, detention? The average depth? The only reason I ask, is once again, tonight as I'm walking out of the house there was a 28-year-old female slipped into one of these things and drowned this afternoon. There are dangerous situations in my eyes.

MR. CARUSO: I will answer your question in two ways. One is I have several of them shown because this project goes like this (indicating). And I can't get the water to travel from one spot all of the way to one big storm water management area on the site. And that is because it is sort of flat. That is why there is a wetland there. It sort of makes sense. So we have several of them. And they are required to hold water by design. It is no longer detention.

The new general permit requirements are all with sedimentation, and they have bio-filtering that occurs and that flocculation and sediment occurs by it entering standing pools of water and the precipitants fall out. It is a very sophisticated design and you have to have it. I have to meet code. That's one part of it.

The other part of it is how do I prevent that from happening, and can it be done tastefully by putting a fence around it. I'm not sure. How do you prevent someone from going into the wetlands 10 more feet to the left of this thing and the same thing happening? I'm not sure, John (Hellaby). I don't have a great answer for that. These things go up on every site. Not just some. They're on every project now. Even the gentleman before me, Kenny (Hurley) is talking about having him meet code in retrofitting. That is what it takes. Gees, I don't know how to stop that from happening. You either fence them or you don't. Some communities make you fence them. Some communities don't. Mostly you fence them when you get in areas where there is a high population of young children, family projects. That is my experience.

JOHN NOWICKI: What about slope control?

JOHN HELLABY: That's all I got.

MR. CARUSO: Slope control? Absolute. It's an absolute great idea and we try to deal with that in our design. The depth of these things can be 4 to 6 feet, depending on how much water we need to run in and out of them.

JOHN HELLABY: The shallower slope, you end up with nothing but a cattail problem. It's a catch-22.

MR. CARUSO: John (Hellaby), it is. They actually want the cattails. They want the cattails. The bigger the ponds are, the more you can do with them as far as them naturally removing the pollutants from it. The water quality benefits. Um, it's not easy. Not easy. Especially some of these small ponds that we're going to have, we'll be putting calculations in front of Ken (Hurley) that will be dealing with 10ths and 100ths of CFS. That is like ounces in a gallon, so insignificant, we don't -- but we have to calculate out to that level and poor Ken (Hurley) has got to deal with it.

JOHN HELLABY: He is excited about it, though.

MR. CARUSO: Can't wait to read four pond designs.

JOHN NOWICKI: I just want to go through some quick ones with you, John (Caruso). Is this project going to be considered for a Drainage District?

MR. CARUSO: It is in a Drainage District already.

JOHN NOWICKI: And so the storm water management areas, will they come under that maintenance by the Town?

MR. CARUSO: No. We would not propose them for Town maintenance. They would be under the private developer's maintenance.

JOHN NOWICKI: Homeowners' Association.

MR. CARUSO: If it is the Town's policy they want an easement over for it for emergency access or something of that nature, we would certainly provide that, but we're not looking for the Town to deal with our maintenance of any of that.

JOHN NOWICKI: Would the roads being considered private be built to Town standards or would they have gutters?

MR. CARUSO: At this point in time, I'm proposing gutters. That is our intent. I think it's a better project. It sort of makes the road a little wider. It really comes out to be 26 feet rather than 20.

You know Jack (Howitt) likes to hold on to his property and it makes for a better project. It is more expensive, but it is a much better finished project.

JOHN NOWICKI: I agree. The Homeowners' Association, that would be responsible for the maintenance of roads, walks, trails?

MR. CARUSO: You know, on a private road, go through the Town of Greece, which is a

little bit more advanced than us, and it's from -- in its development from 1970 to 2000, let's say, in which you will probably find more new construction of town home projects, private type stuff, apartments up in that community. So if you go through there and you learn from what has been done in the past, you will see that a lot of the roadways are not holding up to the way that they should. And the reason why is that -- well, it's a private project. That means that the road sections can be 6 inches of stone rather than 12.

JOHN NOWICKI: That is why I asked you.

MR. CARUSO: Then the same garbage truck that comes down my street goes down that street to pick up and then the roads are ruined. So we can't skimp on the road systems. They're almost similar to the Town's dedicated package. You got to have the stone, you got to have the pavement and you got to have the right thicknesses.

JOHN NOWICKI: In the presentation, in the commercial side of design of the buildings, is that up to Mr. Howitt and your staff and your people? Are you responsible for the commercial design of these buildings?

MR. CARUSO: Yes.

JAMES MARTIN: That will be subject to Architectural Review Committee.

JOHN NOWICKI: Would these particular type of buildings be considered to have apartments above them, similar to the RIT Park Point project?

MR. CARUSO: At this point in time we haven't committed to that.

JOHN NOWICKI: Just putting these out.

MR. CARUSO: It's a good question. It is one of the few things we have a question mark on the project and whether or not we're proposing that or not. It does change some things. It changes fire ratings and things like that of the building that I don't think our client has really had a chance to get his arms around, the construction cost associated with that.

JOHN NOWICKI: I would like to suggest, and I may just for your consideration, at some of these intersections roundabouts for controlling traffic and security, especially speed.

Would this be, as you progress through this -- I'm sure you're aware there is a corridor study going on, too. That may be something that you want to present or bring that into your thought process as far as developing this project for the future here.

MR. CARUSO: Okay.

JOHN NOWICKI: Pure Waters, sewer capacities, present in this area, I'm sure you have probably looked into that. Do you have capacity?

MR. CARUSO: Two sewer systems, one to the north, and one to the south. So we -- unfortunately, though, we don't have straight gravity sewer access with the creek running through the middle here, as you can understand, and so to do this project, we would have to put a pump station somewhere in the south, the low spot which would be the southwest corner. That is why I said we're trying to use our head in how we could integrate another parcel into it. Not so much to share in the cost of it, although that would be great. They're not developing that property, so they're looking to share in it. We'll take the whole hit for it. But maybe we can get Pure Waters to take acceptance of it, knowing it would serve a community if -- because we don't want to have a private sewer. We just don't want to maintain it.

JOHN NOWICKI: Would you guys be a mix of one-story and two-story, or would they all be two-story? They're all rental units?

MR. CARUSO: Right now I'm not certain if we're going to have all of one or a mixture. If you have just a one-story -- here is our problem. If you have just a one-story structure, it sprawls. So these -- these partials -- these buildings may get bigger.

JOHN NOWICKI: I'm thinking of senior citizens and going up and down.

MR. CARUSO: The two-bedroom product could have a master bedroom on the first floor.

JOHN NOWICKI: Just thinking along those lines. Obviously a lot of the senior designs will be handicapped-accessible.

MR. CARUSO: Yes. Even though we say "senior," this is not assisted living. I just want you -- these people still have the ability to live. We're counting on it.

JIM POWERS: John (Nowicki), you looking?

JOHN NOWICKI: That is why I'm asking these questions. (Laughter.)

Traffic study, when you get into that situation, my last question for you tonight, would you also consider the fact that I would love to find out what is being done in the area as far as capital projects are concerned with the State or the County to tie into a traffic study here to let us know what is going to happen in all of the corridors. You have been involved in that. You're well aware of it. I thank you for your time and I thank you for your presentations and that is all I have for right now.

JIM POWERS: John (Caruso), John (Nowicki) mentioned Homeowners' Association. You're not going have a Homeowners' Association here on this development, are you?

MR. CARUSO: Not until such time if -- if the project was ever sold fee simple. We're not proposing that. But it would be set up that way. If it ever did go fee simple, you would have to create the HOAs, but that would be easy to do.

JIM POWERS: To go through Homeowners' Association, don't you have to go through a whole different route?

MR. CARUSO: The Attorney General's, yes. We wouldn't be able to do anything like that until such time -- did you want to say something, Betsy (Brugg)?

MS. BRUGG: No, you got it. Not a concern.

MR. CARUSO: It's not what we're proposing to do, but in order to get Pure Waters to consider our -- the acceptance of dedicated infrastructure, it has to be set up as a for sale

fee-simple project.

JOHN NOWICKI: So then the responsibility then, I guess -- it's a good point. The responsibility for the maintenance of roads, sidewalks, trails, all that, will fall to the responsibility of Midland Management?

MR. CARUSO: That's correct.

JOHN NOWICKI: Hmm.

MR. CARUSO: That is what he does now with all his projects. He maintains all of his projects.

JOHN NOWICKI: I would certainly want some evidence of the type of operation that he is running right now.

MR. CARUSO: Well, we submitted to you tonight a bio on both he and his partner to show you not only do they have experience in development, but they have management companies that manage his current portfolio and he teamed himself up with --

JOHN NOWICKI: These are for the --

MR. CARUSO: Yes. And this -- this bio is written up -- that came out of the DRC, because unfortunately you folks haven't met, you know, our good friend Jack Howitt, but Jack (Howitt) has a great resume and we wanted to put it together for you so you had something to look at. Okay?

DARIO MARCHIONI: John (Caruso), you said you're going to give us a traffic study here, but for now, can you give us an overview what you see, the traffic pattern here, entrance and exit, and how the traffic flow out of this project, to what areas it is going to -- it is going -- going in general. In other words, also, taking into consideration the impact on the development on the north side, the residential area.

MR. CARUSO: Well, I can tell you that it was the intent in our design to minimize any impact on the people across the street, knowing how sensitive this development was in the past and what was proposed.

DARIO MARCHIONI: The No Mall on Paul aspect.

MR. CARUSO: Yes. We know we have these neighbors across the street. So we didn't want to have a driveway that came out -- and anywhere our driveway comes out, it will point at someone's house. So we do what we do best in these designs and you line the streets up with the other streets. That way you have all the turning movements right, and people know how to react when they get to an intersection. So that is why you find our streets line up with the streets across the way.

With respect to the traffic patterns, I really believe that residential component of our project would use our easterly access, because it is just more inclined to serve them. That is why we did that. I really don't want to have -- I wouldn't want to live there and have to drive through a commercial project every day to get out and go to the expressway. If you know the area, and you know the traffic that goes down through Archer and Beaver Road, there is a good chance 50 percent of the cars that come out of here could hang a right and 50 percent hang a left and go to 390. They might even work in our community. So some of them may be retired and we don't really have all of the traffic that we're -- you know, that we would look at in a family type project. So a lot of times you can use one vehicle trip per unit, and you might not even get that here. You know, I got 116 vehicles per hour. You might get 80 percent of that or 60 percent of that, but our traffic study will show that. I wanted to answer your question on where you think the traffic is going. That is where I think it is going.

With respect to the commercial portion, well, you can sort of throw out the a.m. peak hour because most aren't open in the 7 to 8 o'clock. They're -- they're neighborhood businesses, and they're going to open 9 o'clock-ish. And they will just beat the peak hour. The one you really look at is the p.m. peak hour and how do those function. I think you will get a lot of movement from Chili Center, coming down the hill, turning right in. And then the -- then the traffic leaving the area will come out and hang a left. I sort of think the majority of the traffic will be coming from the business area. People are going to go -- like my wife, she will go to four stores to save a buck and spend five bucks on gas, unfortunately. She will go to Wegmans and stop at the next store and then come down to the little shop in here she wants to go to. But that will be good.

DARIO MARCHIONI: The other thing, you know, Paul Road is a two-lane road, okay? And right now, there is a big problem with this, with the people coming in and out of Walgreens, as you know. Documented. In fact, my wife went right over the curb. She almost broke the front end of my truck. She doesn't want to go there any more. So we do have a problem even on the entrance and exit into Walgreens. Not the one on Chili Avenue, but the one on Paul Road.

MR. CARUSO: The right in, right out. People don't understand it.

DARIO MARCHIONI: That is a big problem.

Now, the other biggest problem that I see here, I don't know if you looked at it, but I wish you would look at it when you do your studies, the cut-through on Grinnell Drive. Now, those people over there are just up in arms about this. Everybody is using Grinnell, you know, from Paul Road into Chili Avenue. They aren't going up on -- to -- up the hill to Chili Avenue. They're cutting right across it. It's -- people are really upset.

MR. CARUSO: Dario (Marchioni), the only way to fix that is to do what they did over at Ruth Ellen in Gates, is to close it off.

DARIO MARCHIONI: That is what I think -- because if you look at Stallman --

MR. CARUSO: Do you know what I'm talking about, Ruth Ellen Drive in Gates?

DARIO MARCHIONI: If you look at Stallman, there is a turnaround on Stallman. I think you should really look seriously with Grinnell, because you will have a lot of upset people there.

JOHN NOWICKI: A lot of people use it as a cut-off to going to Wegmans and the banks. They don't go up to the light.

DARIO MARCHIONI: I think maybe to do justice to these people here, I think maybe you should make suggestions on what they can do with Grinnell in order to --

MR. CARUSO: Let me ask you this. Two other traffic studies recently emerged in this community with that condition existing long before this. How was it dealt with? Was it evaluated?

DARIO MARCHIONI: The people, No Mall on Paul, they were concerned mostly about traffic. All these people signed huge petitions because they didn't want the traffic -- the impact of the traffic on these neighborhoods, and I think we're still at the same position. You know, it would behoove you to deal with that issue. So that we could, you know, satisfy some of the concerns of these people.

MR. CARUSO: Okay.

DARIO MARCHIONI: Okay.

MR. CARUSO: Isn't Grinnell a Town road?

JAMES MARTIN: Yes.

DARIO MARCHIONI: Yes.

There was one -- the previous applicants had a zoning variance that was denied. They went before the Zoning Board for a clarification of the PNOD, and the division of Commercial and Residential.

KEITH O'TOOLE: Sorry, Dario (Marchioni). Too long ago.

DARIO MARCHIONI: Okay. I will bring that up.

Do you know anything about that, John (Caruso)?

MR. CARUSO: (The witness indicated non-verbally.) No.

KAREN COX: Is it in the record here for the property?

MR. CARUSO: That -- was that an interpretation?

DARIO MARCHIONI: Interpretation of the PNOD.

MR. CARUSO: I know there was an interpretation they didn't agree with, but I don't know what it was.

KEITH O'TOOLE: I believe Miss Brugg --

MS. BRUGG: I was not involved in that initial application, so I'm a little hesitant to speak, but I believe there was a question of interpretation of what was and was not considered senior housing. I believe it was an issue different from what you -- anything we have here. I don't believe we have the same issue here. I think there was a question of what qualified as senior versus not senior or which units in that project were senior or not senior.

KEITH O'TOOLE: Was it your firm that brought that application?

MS. BRUGG: It was. And I can certainly follow up on that information.

JAMES MARTIN: That goes back to Mr. Kress' time.

KAREN COX: It says Board voted to uphold -- in 2004, Board voted to uphold the code interpretation of Dan Kress in his letter of February 3rd, '04, findings not in keeping with the intent of the PNOD ordinance. The analysis of the interpretation contained within his letter -- yeah.

MS. BRUGG: I think it had to do with the difference between senior units versus senior complex. I think the code may have talked to senior dwelling units and senior complexes, and whether they were the same or different. But I would have to look back at it again to get to the specifics.

MR. CARUSO: Jim (Martin) pointed out earlier in his discussion tonight that sometimes when you start getting into this code, that there is some issues with it, and we decided early on that we're going to identify them and instead of putting them out to interpretation, let's just take the high road and if -- let's just call it -- that that is true, we'll go for a variance on it and get variances to clean this up.

This is a difficult project, and the zoning is very complex. I'm very happy that in some fashion the concept plan fit together, but as we start to put these details together, there will be some issues. You can ask for interpretations all day long and go to the Zoning Board to get the interpretation fixed out, or we can just say this is what we think it is, and we're going to be off 5 feet. Let's go get a variance for it. But we need to have a real good justification to you. And you guys support it because it makes the project better. And that will be our job, to put that justification to you. And if you agree with it, then we would go and search for the variance. We need to get all those in a list and get all those good reasons why. Okay?

JAMES MARTIN: Right.

DARIO MARCHIONI: The other question I have, John (Caruso), you mentioned something about a -- these townhouses could some day be sold. I just want to be specific in a sense where I hope they're not going to be sold as condominiums where you have the assessment advantage, you know, the article in the paper, where different projects, you know, they form condominium systems and they're paying very low -- very -- there was a difference in assessment value, and they paid almost half the assessments of regular homes or townhouses or stuff like that. Because I think that would be a disservice to this community.

MR. CARUSO: I agree. Dario (Marchioni), I think the intent here -- with that -- that happened with apartments, with condos. This is town homes where they can actually own their piece of land underneath. Again, it would be great to have a project that was designed and constructed fee simple that was rental and later if it needed to -- our whole reason of striping those property lines down is so that the municipalities who take dedication of infrastructure have

to have a fee simple project. It is strictly strategic, okay?

DARIO MARCHIONI: Also you mentioned -- you show on the plans here for some connections to Wegmans. You know, that would be an area that could really be developed where some of the impact from, you know, this exit here, going to the main exit of Wegmans, that -- if that would be something that -- I mean I would very, very much be interested in seeing -- pursue that. Tying these two projects together, which -- a united commercial thing, if it -- if you can do it.

MR. CARUSO: Hey, I'm glad you brought it up. I actually have it written in my presentation. Such a big issue. I don't know why I overlooked it. Let me say this: We absolutely want to make that connection. We are trying to navigate our way to meet with the Wegmans' people who, if they don't want to be met with, they're not going to be met with. We know this is something the community wanted.

DARIO MARCHIONI: You know Art Pires.

MR. CARUSO: I called Art (Pires) and told Art (Pires) we were putting this out into the community tonight, and I asked him for his help in trying to get us to the right people so that I can get this gentleman, who is a gentleman, to meet with these other people and see what sort of terms we're talking about. There is a benefit to having cross access. We recognize that. We brought it to you. It's on our plan. I don't want to be presumptuous that we're going to be able to get it. We're going to go for it. And we hope that we do get it.

You know how we all are friends with Art (Pires), many of you and myself, and so I gave him the courtesy of a phone call today that let him know that I would appreciate his help in getting to those people and that we were going to show this in our plans, and he thanked me for for that.

So it is one of the project administrative homework items I have in addition to meeting with Monroe County DOT and getting the marketing study done and getting topo going and those things. But it will be great if it works out.

DARIO MARCHIONI: It will be a win/win for everybody, and -- and it is the right thing to do.

JOHN NOWICKI: Especially with seniors.

MR. CARUSO: You know, to have them -- for us to bring a commercial area that doesn't compete with Wegmans would be great. And our client understands that. That is why they're not BN or NB -- they're GB. And so they don't have a lot going on between Target and the grocery store, and hopefully we can fill that little niche in and not compete against them. If we can let them see that that way, and maybe we can help them. People come to us and pick up some knick knacks and then go to their store, there is some commerce to be done there.

DARIO MARCHIONI: Just one more question, John (Caruso). Jack (Howitt), with due respect, I don't know if you answered Jim (Martin)'s answer -- you are the sole owner of this corporation or do you have partners? Who are -- do you know who the partners are, if possible?

MR. HOWITT: Yes. This is one of my partners, Frank Imburgia and Angelo Ingrassia is the other partner.

DARIO MARCHIONI: This corporation is formed with three partners?

MR. CARUSO: The Paul Road project is three partners, this project. He is showing you in his bio, there, that those are his projects that -- that -- and this is the -- this is the experience that he brings to this new -- newly created partnership in which he will continue to use to do the project, to manage it, and he --

JOHN NOWICKI: What was the third name?

MR. CARUSO: Angelo Ingrassia.

MS. BRUGG: I can give you some more information about Angelo.

DARIO MARCHIONI: I would appreciate it. Thank you, Jack (Howitt), for the answer.

MR. CARUSO: Angelo is a --

MS. BRUGG: Established business person.

MR. CARUSO: Is he a partner, silent partner? He is not in the business. He just works with these guys in the --

JOHN NOWICKI: These three gentlemen are the ones that are obviously looking to buy the land.

MS. BRUGG: They have already acquired the property.

JOHN NOWICKI: So they're clean and ready to go. So these formed -- have they formed a separate LLC?

MR. HOWITT: That's correct.

JOHN NOWICKI: There's a name to that yet?

MR. HOWITT: The partnership is called Howitt Paul Road, LLC. I took ownership --

JOHN NOWICKI: Howarth?

MR. CARUSO: Howitt. How --

MS. BRUGG: It is identified in my letter to the Board.

JAMES MARTIN: It is. It is there.

MR. CARUSO: And on the application to the Planning Board, it is -- they're the applicant.

JOHN NOWICKI: Thank you very much.

DARIO MARCHIONI: Last question. John (Nowicki), you mentioned a corridor study for Paul Road. Is this for Paul Road? Is it ongoing?

JOHN NOWICKI: That is what I want to find out. What might be ongoing with the County or the State as far as any studies going on, because they have done some studies in the area and how -- where do we stand? Where is the project with the County going, if anywhere?

MR. CARUSO: I know the County did a corridor study on Beaver Road.

JAMES MARTIN: We know once Target opens its door, there is a six-month time clock ticking that they will go back and review that traffic issue on Paul Road. So that is already in the works as far as the impact of Target on Paul Road.

KAREN COX: They're not doing any kind of corridor study on Paul Road.

JAMES MARTIN: Not corridor study, but studying that one aspect.

JOHN NOWICKI: Well, somebody has got to be doing something between Paul Road, Archer Road, Beaver Road because they have done the Chili/Beaver Road study. I'm just asking for an update, where do we stand, where are these studies? Are they moving forward, are they standing still? Do they have money allocated for these particular type projects here in the next five to ten years or what are they doing? Because you're going to have some pressure here on these roads. No question about it.

JAMES MARTIN: No question.

DARIO MARCHIONI: We also have to look at oversight because you have The Fathers House property, too, with another exit on Paul Road. You have three additional exits coming off on Paul Road.

JAMES MARTIN: I think, if you remember, Dario (Marchioni), when The Fathers House put in the westerly access point -- John (Caruso), help me out here -- that was the ability to come in there and go into that 16-acre parcel without putting another road cut --

MR. CARUSO: Yes. That is to service both their parcels; that's correct.

DARIO MARCHIONI: There is a lot of impact for the same traffic on Paul Road.

JIM POWERS: I guess if go back to Betsy (Brugg), if I can, on this.

Multiple side conversations were had by the Committee members.

JIM POWERS: I just want to go back for a moment on this Homeowners' Association. If you're going to have one, that proposal or offering or whatnot has to go back to the Attorney General for approval, and you should -- don't you have to have that in hand when you come back to this Board for final approval for the project?

MR. CARUSO: No, because we're not intending to -- we're not intending to create --

MS. BRUGG: That is not in the initial plan.

JIM POWERS: I'm saying if you do, isn't that the procedure --

MS. BRUGG: No. If we were ever to form a Homeowners' Association, we would just follow the procedures established in the law. It would not have anything to do with this Board.

JIM POWERS: But you would have to go back to the Attorney General --

MS. BRUGG: We would have to go through that process.

JIM POWERS: But you would have to show this Board you have approval for such, wouldn't you?

MS. BRUGG: I don't believe so.

COUNCILMAN POWERS: The Town Board.

MR. CARUSO: Nor for an AG report.

JIM POWERS: Not for Homeowners' Association.

MS. BRUGG: But I would -- I would just caution not to get too caught up in that, because that is really not what the plan is. I think we're just putting that out there as something that may potentially happen in the future.

JIM POWER: But the plan has a possibility of a homeowners' --

MR. CARUSO: I guess I was trying to say we wanted you to recognize if we ever went to fee simple for sale, we would have to also go through the step of creating a Homeowners' Association, getting it approved from the Attorney General's office and then creating that offering. And -- so we do recognize that that is an issue. But we are not proposing that. If we have to fall back to that, then we know that we have to do that.

KEITH O'TOOLE: First, with regard to the Homeowners' Association issue, in the past, the Board has made a condition of approval that they provide us with an offering plan as evidence that they followed through and obtained the Homeowners' Association. I certainly would have a problem with showing lot lines on a project like this, which is essentially an apartment complex. It's a high-density project. It works because you have one manager for 116 units, so you have professional management. If you start breaking that up into separate lots, and once you break up into separate lots, you have to assume those lots will be sold. I have seen self-managed projects with the little lots and they don't work out well at all. That is why you do an HOA.

With regard to the project as compared to the prior project, I kind of miss the -- the decks overlooking the wetlands. It made the project somewhat unique. It made it more likely that you have perhaps an upscale restaurant use in this project, which is something the Town certainly could use, and I know many people in the community have been looking for. I think it better integrated the project with the residential, as well. I was involved when the PNOD was adopted, and I believe one of the driving elements was to have a more village character of this project. Part of that requires some unification of the commercial with the residential, and unfortunately we seem to be drifting a little a ways from basically having an apartment complex on the side and just a commercial project on the other side.

One of the elements of the prior project was the apartments up on the second floor of the commercial. That provided actual pedestrians who lived there that would actually use the commercial there and it made it more likely the commercial that would gravitate to those

buildings would actually be more "villagey" in character rather than say just another Walgreens or that type of use. Nothing further.

JAMES MARTIN: So now I know why we don't have -- or why a restaurant is not permitted under the code. I don't think it is, so it is going to be another variance if we're going to have a restaurant in there.

KEITH O'TOOLE: Similar idea. Actually, I believe restaurants are permitted, because I believe we incorporated --

JAMES MARTIN: I think we looked at that. We couldn't find where they were permitted.

MS. BRUGG: My understanding is that they were not. The discussions we have had.

JAMES MARTIN: So it would require a variance. Anyways, enough on that issue.

CHRIS KARELUS: I guess the brief I gave the Board, I just wanted to emphasize, all these aspects that I did discuss in that brief all do have an end-all result in the overall, how the conceptual layout fashions. I guess just one quick point I would like to make -- disregard the site layout, because it is nothing related to code, but just a recommendation. That southern edge, the Southwedge area, the Community Center is located there. You know, I would recommend to the Board, take a look at the passive rec area. That is probably the more generous area on the site. If I think about a community center, I almost want to live next to it, town home units with a person living there, people utilizing what will be perceived as a backyard, so maybe a flip-flop with the community center on that four-unit area to consider with a concept revision.

You know we heard tonight with fee simple types of subdivisions, I have seen them work. It is very important emphasizing the needs for a Homeowners' Association. What happens with most of these fee simple lots, they have deed restrictions that backtrack to the HOA for your operation, your maintenance, all of the things we're worried about long-term. Again, I will recommend to the Board near the teardrop turn-off, we call it, on the western or eastern edge, there's another good opportunity to secure an easement for the 16 acres that might develop to the east. We don't know what it is, but to secure it, I think, is in the Board's best interest. Probably means zero curb cuts to that project, because that project, as planned and designed, was to share the existing Fathers House driveway that is currently serving The Fathers House. So with the second entrance stubbed into this project would basically mean no impact to Paul Road with that development, or potentially no impact.

Really, the only other thing is just -- sorry, John (Caruso), but the scale always comes out. Just with the driveways, trying to see a car cued in that driveway so it doesn't impact a pedestrian, there is a loop pattern to their sidewalk thought process. And they have also presented what we asked them along Paul Road, to try to build on what the Town's goals are for having pedestrian-friendly projects, having an improved sidewalk network throughout our Town.

MR. CARUSO: We agree with that. We need to do that. Look for that in our next plan revision.

JAMES MARTIN: Pat (Tindale), I know you will be looking to get your teeth into this eventually.

MR. CARUSO: We're going to wear out a set of glasses, Pat (Tindale).

PAT TINDALE: Number one, I have walked almost every inch of this property where it came up before. You can access it on all fours from the south. That is about it. I -- I echo, and our Board did, too, Karen (Cox)'s comment on the close proximity to the wetlands. Some places it is really nitty gritty. Other than that, we look forward to seeing your landscaping.

BRAD GROVER: The Committee hasn't looked at this at this point so we have no comment, but we'll meet this coming month and look at it.

JAMES MARTIN: I think one thing as we move forward, this is such a major project to the Town from the standpoint of future development. Um, we have talked about this, and we talked a little bit about it at DRC, that as you begin to -- to coordinate and get your answers to some of the issues that exist, um, I'm thinking it might be beneficial to schedule a joint Planning/Zoning meeting on this particular project so that we're all hearing the same story at the same time. We get a much better handle on what the site plan proposal is. You, by then, probably would have identified the zoning variances you look at and it might be helpful -- it wouldn't be a Public Hearing, so to speak, but it would be a joint open meeting between the Town -- I'm sorry, the Zoning Board and the Planning Board, you know, for another kind of concept review, presentation, so that we could all be on the same page at the same time.

So I'm throwing that out as a suggestion, and John (Caruso), you have already touched on the fact that once you have got some clearing done over there, we got -- I tried to walk that property, and it's -- you know.

MR. CARUSO: I know.

JAMES MARTIN: I was afraid I would run into a bear or something. But it's -- certainly you will need to walk it.

MR. CARUSO: That's a -- that's a very good idea, I have to say. I would be -- I would be happy to attend that meeting. We know -- Paul (Bloser) still here? You know, to meet with his group, so they could hear this -- this definition of -- I have of good and bad variances, and what a good variance is, if it is something that makes the project better, but has no impact on anybody, other than a checklist. We go down through the checklist and look at the proofs. Does anybody care if this building is 45 feet or 42 feet from the property line? But I picked up 3 more feet of safe pedestrian walking area on the street side where 4200 pound vehicles are traveling 32 miles an hour. You know, it really hits home because that is what we're trying to do here, simple stuff.

MR. CARUSO: Thank you very much.

JAMES MARTIN: Thank you, Mr. Howitt, for meeting with us tonight.

**DECISION:** The Planning Board thanked the applicant for appearing before the Planning Board at the July 14, 2009 meeting to review their proposed project. The Planning Board indicated this appears to be an exciting opportunity for the Town of Chili. It is proposed that as the project moves forward, a second concept review would be in order based on input from this meeting, and input from Town Officials and the Town Engineer.

The Planning Board looks forward to continuing to work with the applicants to bring this project to a successful conclusion.

The meeting was adjourned at 9:34 p.m.