

CHILI PLANNING BOARD
July 9, 2013

A meeting of the Chili Planning Board was held on July 9, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

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

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

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

James Martin recognized Paul Bloser, Chairman of the Zoning Board of Appeals, in attendance.

PUBLIC HEARINGS:

JAMES MARTIN: On the agenda, there was an application of Amy Conner.

1. Application of Amy Conner, owner; 161 Attridge Road, Churchville, New York 14-42-8 for special use permit to allow a private animal kennel for five dogs at property located at 161 Attridge Road in R-1-15 zone.

JAMES MARTIN: We have a letter from that particular applicant requesting that we table this particular application. At this time I'll make a motion to table this application.

Do I have a second?

PAUL WANZENRIED: Second.

DECISION: Unanimously tabled at the applicant's request by a vote of 6 yes to table.

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

Mike Montalto was present to represent the application.

MR. MONTALTO: Good evening. I'm Mike Montalto with Costich Engineering here this evening on behalf of our client, JFJ Holdings, for preliminary site plan approval for redevelopment of 3249 Union Street from a vacant bank to a Dunkin' Donuts facility.

The general intent of the project is to redevelop a roughly 7/10 of an acre parcel which is the former Five Star Bank property utilizing the existing 3500 square foot building, removing drive-thru canopies that existed for the teller portion, removing that from the building, renovating that as primarily the street face.

The application was to have approximately 2000 square feet of the building before the actual Dunkin' Donuts facility with approximately 1500 square feet being for general retail.

In current conversations with the applicant, what they're primarily doing with the extra 1500 square feet is actually using it for corporate training for folks within the facility, so it will probably not actually be another generator, per se, of retail traffic. The whole building will -- or current thinking anyway is dedicated to a Dunkin' Donuts, 1500 square feet towards training and 2000 toward the normal retail portion of the trade.

There will be -- they will basically using the exiting structure, renovating the exterior to the new prototypes that Dunkin' Donuts has been developing and redoing the interior. Renovating the site to allow for additional parking and queuing for drive-thru.

We are in -- well, let me back up a little bit.

We did appear last Monday before the Conservation Board and presented the landscaping plan. They were in agreement with the plan as it was submitted. We have a couple of plant annotation changes to make to that plan.

We're also in receipt of the Town Engineer's comments which were reviewed with the owner in the past couple of days, and primarily we're in agreement with the majority of the comments.

There was one that is probably more substantive than the rest. A fair amount of the comments, if you would like me to walk you through them individually or not? If you would like

me to walk through them individually, I can walk through them individually. We have not had a chance to review them with the Town Engineer. Because there is one that is probably more pertinent to everyone from a Planning standpoint and that was his group of comments under 8, relative to site circulation for drive-thru and the facility.

We have been working with the plaza owner because a portion of the traffic circulation that was discussed primarily occurring at drive-thru, you know, and menu board for the facility is off of the actual purchased property. It's in the easement portion of the -- with the rest of the plaza ownership, so there is discussions going with the plaza owner as to how much changes they will allow them to make to the overall plaza to accommodate the traffic circulation improvements that were highlighted in the Town Engineer's comments.

Drive-thru, you know, currently -- drive-thru lane existed as it was for the bank.

Dunkin' Donuts typically nationally has a lot of these one-lane, you know, without necessarily a bypass for emergency breakdowns.

They have an operational standpoint which if there is a problem in a drive-thru lane, they can let people know at the menu board. You don't have this necessarily -- issue to have a bypass at drive-thru.

The bigger issue becomes really at the plaza, where Lakeland Equipment currently has some equipment stored. The thought is to move this so we can get a better alignment in for stacking here. That's the bigger conversation that we're having.

I believe the rest of the stuff primarily was fairly technical in nature. There were a lot of acknowledgements. The storm water will be being done as a vegetated swale, snow storage area as depicted on the plan. And they -- they are -- their architect is from out of Town and they will be making application to appear before the Architectural Review Committee. They're anticipated to make the submission on the 17th, so any action, especially since we're only here at preliminary, we would be able -- hopefully be able to incorporate any thoughts, you know, from you folks relative to incorporating into those plans.

But it is primarily a redevelopment of the vacant bank parcel, utilizing access points that are already there. Primarily a parking expansion, additional landscape and update of the building to Dunkin' Donuts current prototype building in terms of colors, you know, and textures. At this point I guess I -- I will end my formal presentation and turn it over to questions.

JAMES MARTIN: When we took a look at this at our Design Review Committee meeting, which was a preliminary meeting before formalizing the agenda for tonight's meeting, we took a hard look at -- as you said, the traffic flow pattern in and out, the proposed ATM location, the queuing problems that probably would occur with drive-thru operation of the Dunkin' Donuts facility. And I think the Town Engineer did a very fine job of capturing the concerns that we had about all those issues that need to be addressed.

We are pretty stringent here about a bypass lane being provided. It's -- we have faced that issue with other applicants coming before us that have a drive-through type of activity. Mechanical breakdown is one thing. Medical emergency is another. And we have always asked the applicant to provide the ability for somebody who may have a medical emergency to get out of the queue and to escape to seek aid or whatever they need to do as a result of the medical emergency that may occur.

So we're going to not back away from that requirement. I don't care whether Dunkin' Donuts has a thousand Dunkin' Donuts with a single -- you know, lanes for their drive-thru service. That's not going to happen here.

As far as the traffic flow and the location of some of the -- I will say auxiliary activity such as the ATM and how traffic is going to come in from the northerly direction off of Union Street to access the facility, I -- based on what we were given initially, we just didn't feel comfortable at all that there had been clear thinking.

I understand your issue that a lot of that is an off-site issue, and from the standpoint of the parcel that I believe you're attempting to purchase, I believe the bank owns that parcel. That is the only part of the plaza itself. So as the intended purchase of the existing parcel, and, um -- so from that standpoint, I think that we need to get a lot of clarification on where you're headed with this whole thing.

As a matter of curiosity, JFJ Holdings is a new entity to this community. I don't know how many Dunkin' Donuts they own or -- is this a first for them or do they own others?

MR. MONTALTO: They own a number. They are not -- there is another individual out of Webster who has been a franchisee for most of the Dunkin' Donuts in Monroe County. This is -- this particular gentleman's business is an entrance into this market besides the fellow from Webster.

JAMES MARTIN: Well, they're new to us.

MR. MONTALTO: Yes. Yep. They're not the franchisee that everyone is familiar with.

JAMES MARTIN: We're familiar with another franchisee that we have operated with before.

MR. MONTALTO: Yep.

JAMES MARTIN: So, you know, you kind of said, well, a lot of these issues in the Town Engineer's letter are fairly straightforward and you agree with -- with them, which is good, and -- but I just wanted to reemphasize from a Planning Board perspective those things that I feel are critical issues that I, at this point in time, don't see any resolution.

I know you have intention to go before the Architectural Advisory Committee which, again, is a key component to -- to the decision-making process by this Board to look at the recommendations and what is actually proposed from an elevation standpoint for the building

itself, and we certainly will look forward to that.

MR. MONTALTO: We don't want to present anything to the Board without knowing from the plaza owner -- the rest of the plaza owner for sure. We have done some sketches. We have shared them with Dunkin' Donuts, but it didn't make any sense to send them to the Town Engineer or anybody else until we know the other parties involved are actually going to permit it to happen.

JAMES MARTIN: Perfectly understandable. Obviously there are easement issues that have to be dealt with from the property perspective and shared parking agreements. There are lots of legal issues that will need to be hammered out between the applicant and the plaza owner itself.

Certainly from the technical issues of the drainage activities on the property, I think the Town Engineer covered a lot of that in very specific detail. You know, the storm water control management facility, those types of things.

So anyhow, just kind of setting the tone here, all right from the standpoint of the Board and looking at what you're proposing to do, I mean, certainly Dunkin' Donuts is a well-known brand and would be, you know, a nice redevelopment of that existing property rather than sitting there having an empty building.

So I guess I will stop at this point and go to Paul (Wanzenried).

PAUL WANZENRIED: Did you say that the 1470 square feet is not going to be another tenant, it will be just --

MR. MONTALTO: That's the current thinking, yep.

PAUL WANZENRIED: So in that situation then, is the ATM and drive-thru and that -- will that be absorbed into parking or are you going to keep that?

MR. MONTALTO: There would be no other change. There would be no change to the proposed plan. Parking counts --

PAUL WANZENRIED: Proposed ATM building, you have a drive-thru, a stop and then you have another drive here. You wouldn't need a drive-thru, would you?

MR. MONTALTO: Yes. It is still a Dunkin' Donuts facility. 2000 square feet of the building is for Dunkin' Donuts.

PAUL WANZENRIED: Drive-thru is going in the wrong direction if I'm looking at this correctly, Mike (Montalto). I'm not talking about drive-thru for the Dunkin' Donuts.

MR. MONTALTO: The order board is here (indicating).

PAUL WANZENRIED: The other one, Mike (Montalto). Up above.

MR. MONTALTO: Bingo.

PAUL WANZENRIED: That's for the ATM. That is an arbitrary ATM not affiliated with the retail space?

MR. MONTALTO: No. That's correct.

PAUL WANZENRIED: Thank you.

Then in the -- in the letter from the engineer, there is no floor plans for us to look at or view for the --

MR. MONTALTO: That's correct.

PAUL WANZENRIED: -- for the building?

MR. MONTALTO: Not as of yet.

PAUL WANZENRIED: Not as of yet. Okay.

I have -- I guess I would like to see more of these issues cleared up or addressed before I make a comment -- any further comments, Jim (Martin).

KAREN COX: Um, I share Jim (Martin)'s concern and the engineer's concern about the bypass lane.

Is there going to be lighting in the -- in the parking lot or --

MR. MONTALTO: Yes. It appears on the lighting and landscaping plan.

KAREN COX: Okay. I'm sorry. I must have missed that. All right. So that -- so the ATM, is there -- it is going to be clearly marked that that is a drive-through for the ATM.

MR. MONTALTO: Yes.

KAREN COX: That's all I got.

JAMES MARTIN: Just to go back to one comment that you made, that the remainder of the building that is not used for the Dunkin' Donuts could be utilized as a training facility --

MR. MONTALTO: Yes.

JAMES MARTIN: -- for Dunkin' Donuts donuts?

I would like to know is a class size 10, 20, 40, 60? What is the size of the class that they would be putting in there for training purposes, because obviously that has a major impact on parking allocation on the property.

JOHN NOWICKI: I agree with all of you because there is all of the details that have to be dealt with here. I don't see how we can move forward until we get this information back here, with the drawings and the floor plans and more specific information here. This is not at a point where we could even think about it as far as I'm concerned.

DAVID CROSS: Yes. I would echo the concerns about traffic. I think Lu Engineers summarized the concerns well with the bypass lane and some of the configuration of queuing and the ATM.

I really would like to see this go in front of the Architectural Advisory Committee before we see it again. It's -- you know, in general I think it's a very plain look. I think the windows are very uninspiring. We need more meaningful design to play off some of the other architecturally significant areas in that hamlet of North Chili, if you will.

I see a pylon sign that is about 21 feet tall, and I didn't see where that would go on the site plan, Mike (Montalto). Maybe you could point that out.

MR. MONTALTO: I can't address that. I'm not sure -- the stuff that came from the architect -- we were anticipating a whole other package. We have already been before the ARB. I believe that is their standard package that they put together.

DAVID CROSS: I don't think we would be in favor of a pylon sign. There is a lot of signage already on the building that is very visible from Union Street and Buffalo Road. I don't -- I'm not in favor of the internally illuminated signage. You do light it with gooseneck type style lighting, down-cast lighting.

Again, some -- some -- water table, brick quoin, something to make it a little more -- tie it in the neighborhood a little bit better.

And one more comment on -- there is a sidewalk along Union Street. Would you be able to tie in a sidewalk on the southwest corner of the property to bring pedestrians off of Union Street to the plaza in general? You know, I think you could bring a cross -- a crosswalk across this drive on the south end of the parcel there, and then join it up with some sidewalk that you are proposing on the south side of the Dunkin' Donuts. That way we could bring pedestrians safely off of Union Street.

That's all I have at this point, Jim (Martin).

RICHARD BRONGO: All my questions were answered.

JAMES MARTIN: That sidewalk issue, does that go across the plaza property before it reaches your property?

KAREN COX: No.

MR. MONTALTO: Sidewalk is on the right-of-way. If I understand the comment correctly, it would be bringing it up through here (indicating). We can certainly look at it. There's a main drainpipe there.

JAMES MARTIN: Absolutely. Absolutely.

We're trying to make this Town more pedestrian friendly, and that would be an asset to do that.

You did say from the Conservation Board you will look at revised landscape plans; is that correct?

BILL STEIMER: Just slight. Just a very slight change. And just in addition, we did not look at that bypass, but we thought the general traffic flow was really good for this because there is three businesses within about 350 feet of each other. They all have drive-throughs, and the direction that they're planning -- they're all facing the same direction through the whole plaza area. That's all.

MR. MONTALTO: It's not really a change to the landscaping plan as much as we didn't total how many plants were being put on there. So there was no changes in the -- in the types of plantings. It was -- we didn't have a total of how much of each plants were.

JAMES MARTIN: I understand. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

JIM CHALMERS, 25 Cassandra Circle

MR. CHALMERS: Jim Chalmers, 25 Cassandra Circle. We own the Glue Factory which is directly across the street, just east of that property. Our entrance to our parking lot is right across the street from that facility.

Which way are you going to be coming in and exiting and entering that property? The reason I ask that, the main entrance to the plaza there is really busy. We have had two accidents there just in the last three weeks with injuries. It's a lot of -- somebody had just mentioned, there is a lot of traffic coming in our parking lot out and the main entrance to the plaza and then Ontrac and then the dentist office and you have -- right next to that you have Rite Aid coming in there.

So it is very difficult, especially for elderly people when they're coming out of the different driveways, looking across here, that traffic has to turn and then also they have another one coming from the right and that is when the accidents happen.

So I just wonder where, from Union Street, is the entrance going to be to that drive-thru, if it is going on the north side coming south and then back out or vice versa coming in main, coming out where Ontrac is?

JAMES MARTIN: You can answer that question.

MR. MONTALTO: Drive-thru entrance is at the north end of the site. So if you came in this entrance, you would come in here (indicating). And then you can exit.

If you came in the southern entrance, you would come around, and one of the issues or one of the comments the Town Engineer had had and one of the discussions we're having with the plaza owner is just making this a little bit more of a T. But your entrance to drive-thru is here (indicating) where this island is there (indicating). That is where the order board is, you pick up here (indicating). So -- you're exiting here.

MR. CHALMERS: That is where the big problem is, all of the traffic. If you reversed it and went the other way and came up by Ontrac where the only exit you have there is to the post office and Ontrac, there is a lot less traffic there where you're entering back into Union Street which is pretty busy, especially around the business hours.

The other bad thing about that intersection, the lower one, there is no -- when they had widened Union Street what, about five years ago, the State took out that big streetlight at that intersection. There is no lights there now. You go there at night and it's pitch black. That's a

problem. I don't know why the State hasn't addressed that.

Several of us in the community addressed the State. They never replaced those lights. They don't seem to want to do anything, but I don't know if you picked that up. There no lights there at all. It's very dangerous.

So I think it's a problem coming in from the north to the south and back out in that intersection right across from our driveway, that's the busiest part of that whole section right there. If you reversed it and went to drive through the other section and then exited up north on that other, um -- there is no driveways coming in directly across from there like it is on the southern part. You have three or four of them there.

One other question I have, the trees that were planted on the State property, I guess where that -- is that grass there, the green section there?

MR. MONTALTO: Yes.

MR. CHALMERS: Are those five or six new trees going to stay there?

MR. MONTALTO: Yes.

MR. CHALMERS: That's all of the questions I have.

JAMES MARTIN: Actually, given the fact we have a lot of missing information on this particular application, I would like to keep the Public Hearings open on this application --

MR. MONTALTO: We would be agreeable with that.

JAMES MARTIN: -- to another meeting, rather than close it tonight, because there may be enough modifications to the plan that may merit an additional Public Hearing, so I'm opting at this point to keep the Public Hearing open.

MR. MONTALTO: We're supportive of deferring any action on it until we can get revised materials back in.

JAMES MARTIN: All right. Discussion? I mean, we are -- basically are all in agreement we don't have enough information at this point in time to act on this even from a preliminary standpoint. We would have to condition this thing with about 50 conditions and I don't have any desire to do that. So I guess from this standpoint, you have heard the comments from the Board. You have heard the comments from the Town Engineer. You are scheduled to meet with the Architectural Advisory Committee, so given that all these things need to happen, again -- oh, one other thing, too. I would like to have some idea of what they think the flow would be through the facility. I know peak times will be in the morning for people going to work. Perhaps late in the afternoon. I'm not sure. But I'm sure it is -- peak time will be in the morning, 7 to 8, somewhere in that period of time. What is the expectation of how many, you know, people would go going through the -- the Dunkin' Donuts itself?

So given all that, I would make a motion we table this application pending completion of a lot of further information to be presented to this Board so that we can make an intelligent decision going forward.

JOHN NOWICKI: Second.

DECISION: Unanimously tabled by a vote of 6 yes until the applicant resubmits for the following reasons:

1. Application is incomplete.
2. Pending resolution of Commissioner of Public Works and Town Engineer comments.
3. Building elevations have not been submitted to the Architectural Advisory Committee for review and recommendations.

Note: Public Hearing will remain open until such time as the review process is complete.

JAMES MARTIN: It will be tabled to a TBD at this point. Obviously we'll be meeting again in August, and -- hang on just a second. The Planning Board meeting in August, it's August 13th. You would have to have information -- application deadline would be July 12th. The Design Review Committee meets July 24th. So you have a little bit of time in there.

The September meeting is on September 17th, a little more leeway there because I think we moved that meeting by one week due to a preliminary primary voting day which appears on Tuesday. So those are the two dates that -- August 13th and September 17th would be your target dates depending how quickly you could pull all your information together.

INFORMAL:

1. Application of Gary Pooler, 783 Wangum Road, Fishers, New York 14453 for sketch plan approval for a 236 lot subdivision to be known as Vistas Villas Subdivision at properties located at 100, 101, 104 and 104 Clubhouse Drive and 5 Prestwick Lane (also includes lots in current Section 1 of Vista at the Links Subdivision) in PRD zone.

Walt Baker, Bernard Iacovangelo and Gary Pooler were present to represent the application.

MR. BAKER: Good evening. I'm Walt Baker with DSB Engineers and Architects. With

me tonight is Gary Pooler who is Managing Partner for Archer Road Vistas, LLC, the owners of the property.

As the Board may recall last April, Gary was in front of the Board for an informal discussion about the possibility of revising the site from the original approval with 194 lots and the golf course, clubhouse and Homeowners' Association which was approved back in 2004.

The intent now is if we could redesign the site. It was approved under a PRD. We would like to revise that PRD through the Town Board, of course, but get feedback from the Planning Board at this point in time for support as far as revising this application.

As I mentioned, the golf course was the original application with the homes, and -- with the Homeowners' Association. So what we would like to do is dissolve the Homeowners' Association, remove the golf course and the clubhouse and propose pretty much a standard residential subdivision with the revision to the lot sizes from 10,000 square feet to 20,000 square feet which was approved to have varied lot sizes in excess of 20,000 square feet and also down to 8500 square feet versus 10,000 square feet.

The plans I posted on the board show the overall -- the colored aerial view shows the entire parcel which shows all of the acreage of the site, and the intent with the second plan, which is directly below the colored one, is for the redesign of the residential area, and the remaining lands we're proposing for dedication to the Town. It's approximately 200 acres, and, again, eliminate the HOA. That's the primary reason. With that, we would propose amenities through the -- through the PRD with the Town Board for incentives to make these changes, including sidewalks on both sides of the street, streetlights, increase the donation to the Town for an additional acreage -- donation per lot for the revision to the acreage of the site, and again, the main thing was to eliminate the Homeowners' Association which would be a burden on the residents of the project.

As you well now, the project has been around since mid 2005, 2006, and there are only presently seven homes built on the project. We would like to revise the site and see if we can generate further sales and complete the project.

JAMES MARTIN: Okay. That it?

MR. BAKER: Yes, sir.

JAMES MARTIN: I'm assuming there will be a phasing of the project?

MR. BAKER: Yes. The second map, the map below the aerial, we show six phases, if you will. So we're looking at approximately 40 homes per phase basically.

JAMES MARTIN: Okay. All right. With the elimination of the approved plan with the golf -- the 18 hole golf course at one time --

MR. BAKER: Correct.

JAMES MARTIN: Your plan right now would be to build into the holes that were approved in Phase 1, which I think there were over three holes approved in Phase 1 of the project.

MR. BAKER: Correct.

JAMES MARTIN: And that the remaining 15 holes that I think were primarily on the property that is being proposed to -- that will be conveyed to the Town --

MR. BAKER: Right.

JAMES MARTIN: -- all that just disappears. It's gone. We're not even going to think about a golf course any more on the project.

MR. BAKER: Right.

JAMES MARTIN: As far as the building on the site, these will be single-family residential homes.

MR. BAKER: Yes.

JAMES MARTIN: No town homes, no condominiums as was originally proposed.

MR. BAKER: Right. Presently two of them sold were town home style. Obviously those are there. The rest of the lots we redesigned so they will be single-family lots, varying lot width from 55 feet in width on up to 80.

JAMES MARTIN: In dealing with the Town homes that were built, given that there was an HOA in effect at that time --

MR. BAKER: Right.

JAMES MARTIN: -- would they then become the owners of the lot -- I mean, we would have to have a zero lot line or something like that in order to allow them to own --

MR. BAKER: Basically, yes. They would own basically a zero lot line property, so they would have zero on one side and minimum -- obviously greater than 7 feet on the other. That would be -- that could be handled through the PRD. Obviously it was approved where they would own the footprint of the property previously, and have the same situation, only they would own basically a standard lot.

JAMES MARTIN: What would be the lot size, do you know, of the town homes that were built, if they had zero lot line and then whatever was left?

MR. BAKER: They were 60 foot wide lots. They were 60 feet at the time, so we have them laid out for 60 foot. So they would have zero and the house that is built now I can't say exactly how wide it is, but they have a substantial setback on the other side.

JAMES MARTIN: All right. We're talking 200 and --

MR. BAKER: 234 actually.

JAMES MARTIN: 234.

MR. BAKER: Because one of the frontage lots -- there were three frontage lots along Archer that didn't quite work out as well with utilities and that so they were redesigned. Instead

of 236 lots we got 244.

JAMES MARTIN: About 43 more than were originally intended.

MR. BAKER: Correct. And where the golf holes were is the -- the cul-de-sac, in the one area here (indicating), in this location (indicating), this area (indicating) is an existing storm water detention facility, and there was a golf hole in the back, so these lots would just be extra deep lots.

JAMES MARTIN: Okay. When we look at that, as it's currently proposed, um, little concern about traffic on that stretch of road that goes along what would be the southerly -- kind of southerly end of the property. From that final -- from that cul-de-sac way in the upper right-hand corner there.

MR. BAKER: Here (indicating)?

JAMES MARTIN: Yes. You come out, turn left, and go down that road.

MR. BAKER: Through here (indicating)?

JAMES MARTIN: Yes. It looks like an opportunity for potentially high-speed traffic going down through a residential neighborhood there. I'm just wondering if you have given any thought to traffic-calming opportunities.

MR. BAKER: We could put stop signs at the intersections. There are curves in the road. The only portion that is relatively straight is about -- I think it's about 600 feet in length. This section through here is about 600 feet before you have another curve.

JAMES MARTIN: That's enough distance to go 55 miles an hour if you wanted to. I'm just concerned about, you know, a residential neighborhood.

MR. BAKER: Right.

JAMES MARTIN: Fairly lengthy run of road there. The rest of it has cul-de-sacs and curves and breaks and things like that. I think it is pretty good traffic-calming in the rest of it, but I think there should be some thought given to how that could be managed.

MR. BAKER: Okay. We'll take a look at that.

JOHN NOWICKI: Roundabouts.

JAMES MARTIN: Something besides a stop sign. It's an interior residential neighborhood. People do not stop for those stop signs.

KAREN COX: They don't. I was going to point that out.

JOHN NOWICKI: Put some roundabouts in there.

JAMES MARTIN: Some traffic-calming measures in that area. That's all I got.

PAUL WANZENRIED: I would echo that sentiment, Jim (Martin). If I'm right, you're coming -- you will be going -- that road coming out and then over the knoll, too.

MR. BAKER: Correct.

PAUL WANZENRIED: So it is kind of a blind hill as you're coming up and over the hill.

MR. BAKER: There is some topography to the site.

PAUL WANZENRIED: I would echo that sentiment, as well. I really don't have anything else other than -- what -- what amenities you -- you spoke of amenities? What were they again?

MR. BAKER: Amenities that we're looking at which, again we would present to the Town Board with the revision to the PRD, is to have sidewalks on both sides of the streets, have streetlights 250 feet apart, so standard streetlights throughout the project. The builder for each home, when it is built, they would also pay to the Town \$500 per lot with a building permit, so when you go in for a building permit, they would also provide a \$500 incentive to the Town which could be put in a general fund so the Town could apply it to whatever they see fit.

JAMES MARTIN: And the 200 acres, we would preserve that agricultural intent for the remaining lands so you wouldn't have the golf course. You would have the Open Space that the Town could use either to preserve it for agricultural use or the Town could use it for ball fields, park, soccer fields, again, whatever they see fit.

PAUL WANZENRIED: The only access to that would be this 60 foot wide access next to the traffic? Is that my understanding? Am I correct on that?

MR. BAKER: No. You would have access on both ends of the project, just below the entrance road to the south. There is approximately --

PAUL WANZENRIED: That's right in the corner there. Right in the corner of Archer and Beaver Road, right? Is that where you're pointing to?

MR. BAKER: Right here (indicating).

PAUL WANZENRIED: Which is right there in the corner of the intersection.

MR. BAKER: Right.

PAUL WANZENRIED: I think I would like to see some better access for the Town. If the Town is getting this land, we should have some better access other than right there in the corner. And what are the -- what are the adjacent properties -- you own these adjacent properties?

MR. BAKER: Um, the adjacent properties are not owned by Archer Road, LLC.

PAUL WANZENRIED: Okay.

JOHN NOWICKI: Do you know who owns them?

MR. BAKER: Um, a couple of them. I mean it's --

PAUL WANZENRIED: I would say that Town Lot 138 is probably the yogurt stand and driving range there.

MR. BAKER: Right.

PAUL WANZENRIED: And the rest of this is all swamp land.

MR. BAKER: I believe.

PAUL WANZENRIED: Or wetland, excuse me.

I have nothing further right now.

KAREN COX: Um, I have a couple of questions.

You said the reason -- okay. Originally we had approved 194 lots -- or I'm sorry, 194 lots. Now it is up to 236. That's because you are building in the areas that were going to be golf holes; is that how you arrived at --

MR. BAKER: Yes.

KAREN COX: Okay. And how do the current owners -- what is their feeling about this? Has anybody asked them? I'm just curious.

MR. BAKER: The members of Archer Road Vista, LLC?

KAREN COX: Yes. The people that are living there now.

MR. BAKER: You're talking about the people that own the -- that purchased lots previously?

KAREN COX: Yes.

MR. BAKER: They have been contacted. They're in support the best I can tell. As far as I was informed, they are in support of this because the Homeowners' Association isn't working, and it's a burden on them to have the Homeowners' Association with no activity.

KAREN COX: They have paid -- here is -- this might be a Mike (Jones) question. Have they been paying dues all this time that they owned -- yearly dues all this time that they owned those houses?

MR. BAKER: I believe they paid into it, and how it was managed, I'm not quite sure for the association. I think --

KAREN COX: If we're dissolving the Homeowners' Association, should they be refunded that money? Is there --

MR. JONES: I don't think that is a Town issue, but I can certainly contact the attorney for the developer and try to figure out what is going on with that.

KAREN COX: I'm just curious. I mean, obviously the way mine works, we pay dues every year for upkeep and that. If they have been paying dues and not -- not enjoyed any of the benefits of it, I would like to know if there is some vehicle for reimbursement.

MICHAEL JONES: Again, I don't know what benefits that may exist. I know the applicant has been here before talking about applying to get rid of the HOA. I don't know if they provide nominal services such as garbage removal and so forth. We can certainly look into that.

JOHN NOWICKI: I would agree with Karen (Cox) on that.

MR. BERNARD IACOVANGELO: Good evening, everyone. My name is Bernie Iacovangelo, and I'm with Faber Homes. We have an agreement with the Archer Road Vistas, LLC for the purchase of the lots there.

In answer to your question, A, each and every one of the home owners has been met with and discussed this whole plan, shown a copy of it. And each and every one of them has indicated they're in favor of it.

They have all signed an agreement indicating that they are in favor of the Attorney General dissolving the HOA. The HOA has been operated properly by the Homeowners' Association officers. They have been collecting monthly common charges or annual common charges, wherever way it has been established under the HOA and they have been providing the services pursuant to their agreement.

Um, we -- the home owners, you know, feel that they want to get a new development going here. One that is going to be affording them an opportunity to sell their home, because the way it was before, it's extremely difficult. So they're embracing all of the change and are happy with the fact that there is some activity.

And in addition to that, they're also happy with the fact they're eliminating this cost, you know, because they recognize there was never going to be, you know an 18-hole golf course, and you know, so they're much more in favor of eliminating the fees, the dues, the management of that kind of common area into the foreseeable future, even making it a burden on the sale of any home in there. So I just -- we have already got all of the documents prepared, ready to go to the -- to the Attorney General pending only the approval by the Planning Board and the Town that this HOA -- or this whole development can be redesigned and the HOA eliminated. So that is all we're waiting for at this juncture. I hope that answers your question.

KAREN COX: To a certain extent. You know, if they -- I'm sure in the HOA language there is some kind of, you know, clause in there that if the HOA gets dissolved and there is money in the account --

MR. IACOVANGELO: It goes back.

KAREN COX: But given the fact these people bought into the idea that maybe the HOA was going to be to their benefit, and it hasn't been in my mind, I'm just more curious than anything.

MICHAEL JONES: I would be willing to work with the applicant to make sure they provide the Town with the proof that the current members are in -- or on board, let's say, with the dissolution of the HOA, and I can certainly review that. I represent HOAs myself and it is typically not something the Town would get involved with. There is a valid concern. We don't know what the services are they contracted for and what is being provided. I will be happy to take a look at this and report back to the Board to try to answer the question specifically.

KAREN COX: I'm assuming that the type of house that is going to be put in is probably very similar to those in Park Place?

MR. BAKER: Yes.

KAREN COX: That size. You're aiming for that market?

MR. BAKER: Correct.

KAREN COX: So there is presumably going to be families with children?

MR. BAKER: Yes.

KAREN COX: Has the School District been made aware of the fact that there is going to be potentially a lot more kids coming into --

MR. BAKER: Just curious.

MR. IACOVANGELO: The answer to that is yes. They welcome it because of the thunderous decline in enrollment, and the fact that even though we were building for families, family sizes are much smaller than they were in the past, and they need enrollment. You know, it has been dropping. Most of the school districts, if you can tell that over the last 15 to 20 years is down almost 15, 18 percent. Even in Churchville-Chili. Some as high as 20 percent.

JOHN NOWICKI: Is this Gates-Chili?

MR. BERNARD IACOVANGELO: Gates-Chili. They're looking for, you know, more family housing.

PAUL WANZENRIED: One moment, Mr. Iacovangelo.

Did you -- has anybody talked to the School District or Transportation Department regarding all these cul-de-sacs?

MR. IACOVANGELO: Well --

PAUL WANZENRIED: The way to get a bus down in there or will you have them --

MR. BERNARD IACOVANGELO: There is not a problem with the cul-de-sac. In fact, we have talked to them, because one of the home owners that lives here (indicating), you know, wasn't getting any pick-up. So the kids had to walk all the way down to here (indicating). So now we have them coming in and picking them up this far (indicating) so they don't have to walk down to this end of the street (indicating). The School District says, look, the streets are all designed as every other development in Town. They can get around with the school buses, so you know, they just want to make sure they can get out. So as we do our sections, and -- and -- you know Mr. Pooler has reviewed the sections so they can get in and out, you know, without having to back up. One of the things they don't want the bus drivers doing is backing up. That was a big concern for them.

KAREN COX: How -- is the housing demand starting to pick back up?

MR. IACOVANGELO: Every one sold. We have ten homes sold in there. We have got -- the model spec we built right on Archer Road is closing, I believe it is tomorrow. Or closed today. Lot -- Lot Number 3.

We have got two more that are going to close shortly. We have got two more that are going to start. So we have been -- we have been blessed. The activity is tremendous. There are really no other areas in Chili for new housing, and -- we're trying to develop this site consistent with what we're finding desirable by, you know, people buying homes today. They don't want big lots. They don't want lot maintenance. They would like to have a 70-inch TV screen, though. Everything that that brings.

KAREN COX: I know Park Place filled up a lot faster than was expected.

MR. BERNARD IACOVANGELO: Yes, yes.

KAREN COX: That speaks well of that -- you know, that market.

I assume there is going to be a traffic study for this.

MR. IACOVANGELO: We didn't think it was going to be much more of an impact than there had been before.

JAMES MARTIN: I think there was one done on the original proposal.

KAREN COX: There was.

JAMES MARTIN: It might be good to go back and take a quick look at that to make sure there wasn't any additions or adjustments.

MR. POOLER: We have taken out the clubhouse and the old golf operation.

JAMES MARTIN: I understand that.

KAREN COX: So it is probably a wash. Okay. That is all I have.

JOHN NOWICKI: All dedicated Town roads and sidewalks?

MR. BAKER: Correct.

JOHN NOWICKI: Sidewalk districts?

MR. BAKER: We'll form the sidewalk district.

JOHN NOWICKI: The point that was brought up before in regards to the movement of traffic along that southern road would be certainly a concern. If you could look at roundabouts and whatever necessary to slow that stuff down to protect the people in that area.

Have you any information from the Town as far as their -- are they excited over the 200 acres or what are they saying about that?

MR. BAKER: We haven't been to the Town Board yet. We wanted to get the Planning Board's input and hopefully support and then we would move onto the Town Board.

JOHN NOWICKI: Are you going one section at a time?

MR. BAKER: Correct.

JOHN NOWICKI: So utilities are all in for Section 1?

MR. BAKER: Yes.

JOHN NOWICKI: Nothing has moved past that.

MR. BAKER: No. Sanitary connection is just to the north and the water mains are all in.

JOHN NOWICKI: So that is all in place.

How does the -- do you have any -- have you had any comments from the Fire Department?

MR. BAKER: Not as yet. At this point it is just an informal to see if it is a possible

project to -- that the Planning Board would support. Once we make the application, it will be sent to all of the agencies.

JOHN NOWICKI: Especially by the railroad tracks there.

That's all I have for that. You guys have some work to do.

MR. BAKER: Yes.

JOHN NOWICKI: Good luck to you.

MR. BAKER: Thank you.

DAVID CROSS: I just have one comment. Um, it is kind of tough to make it without knowing what the 200 acres the Town's is going to be. Some day, you know, could be open space. It could be farmed. It could be parkland. It could be a canoe/kayak access on the creek. There is plenty of good opportunities.

And I think as far as the amenities go, you're talking about maybe, it would be worth considering if you come in 800 feet back off of Archer, which is pretty much across the -- from the cul-de-sac in Section 5, reserve a lot there for eventual access to the southwest into that open land, so that would be 800 feet of less drive that would have to be built off Archer Road in the future.

MR. BAKER: So the Town could access it through the dedicated roads.

JOHN NOWICKI: It would make it nice for the residents, too. Depending what they do with it.

DAVID CROSS: At least reserve that space. You're talking about a lot.

MR. BAKER: Just to get a Town drive all of the way back.

RICHARD BRONGO: Wasn't too long ago that LLC Archer Road Development came before the Planning Board wanting to recombine the properties to save the taxes. Now you want to break it all up again to a couple 100 lots.

Is that prudent, or would you be better off doing it in sections where you might do Section 1, 2, 3 now, and then come back before the Board and do the other three sections?

MR. BAKER: With the redesign -- again, the primary reason is presently with the Homeowners' Association, we kept on with the original approval. It required the Homeowners' Association to stay in place. So with the redesign, reapproval through the Town Board and dissolving the HOA, we redesigned the lots, and actually are -- the lots that are -- in Section 1 are, for the most part, staying the way they are. We will have to refile Section 1 as it is, because we're making revisions to those lots and obviously the existing homes stay where they are.

But with the redesign and the reapproval, we have to refile Section 1, so dissolving the HOA, redesigning Section 1, 2, 3 and 4, again, we're going to build it in sections, but at the time Mr. Pooler and Archer Road Vistas, LLC came in for that -- for that relief on that, it was based on staying with the current program, the current approval, and knowing that it -- the project sat pretty much dormant for six years. It was kind of like a way to try to absorb some of the expenses they have incurred, trying to keep the original application alive.

RICHARD BRONGO: What is the approximate square footage of the homes that you're planning on building?

MR. BAKER: That's one for Faber.

MR. BERNARD IACOVANGELO: We're going to go from a 1200 square foot ranch up to about 3,000 square foot two-story. Our average is probably -- be the same as they were in Park Place, around 2000 square foot average for two-story, probably around 400 square foot for a ranch.

RICHARD BRONGO: You will be able to get that on a 55 foot wide --

MR. BERNARD IACOVANGELO: Yes. In fact, we're currently in a development in Greece called Regency Park on Janes Road and all of the lots there are 55 feet wide with 5 foot setbacks and most of our plans are designed between 36 feet wide and 40 feet. We have got a 2500 square foot four-bedroom 2 1/2 bath two-story home with two car garage that's 40 feet wide. This is the trend as you can see in housing throughout our country. You know, to the narrower lots and houses similar to that.

RICHARD BRONGO: Are we looking for relief between lot -- or side lot distances? Because right now isn't it 10 feet?

MR. BAKER: 7 feet.

MR. IACOVANGELO: I thought it was 5 feet. Because -- if you have 55 foot wide lots. I thought it was 5. But I may -- but that is what we're looking for. So what we want to do is be able to go up to, you know, some -- some of the bigger homes that people -- we feel in cul-de-sacs like this (indicating), this area here (indicating), these will be some nice estate homes in here, because that is at the top of the site. It's got a gorgeous view from there. And we would be hoping to put some of the larger homes in that arena.

JOHN NOWICKI: I would assume the Town, if they did take that 200 acres, would they have the rights to put that out to lease for farming?

MR. JONES: It depends how the Town takes it. It is really a Town Board policy decision what they want to do, if they want to accept dedication or require conservation easement or whatever. It really depends how the Town Board wants to accomplish that.

JOHN NOWICKI: It could be farmed?

MICHAEL JONES: Absolutely. It's possible.

KAREN COX: That's about all you can do on it.

JOHN NOWICKI: Thank you.

DAVID LINDSAY: Walt (Baker), what was the grade break on this parcel? Is it about the mid point?

MR. BAKER: Correct.

DAVID LINDSAY: I don't see any storm water ponds on the east side of the development. What is the intent of that? Would all that still drain to the west or would you be putting in storm water ponds?

MR. BAKER: We would have to put some more storm water ponds.

DAVID LINDSAY: Where would those go?

MR. BAKER: We would probably look at the area just off the lots to the south.

DAVID LINDSAY: So on the dedicated Town land?

MR. BAKER: Yes.

DAVID LINDSAY: Just -- nothing further at this point.

MR. BAKER: We have -- we cut the 200 acres down to about 3 acres. (Laughter.)

MR. BERNARD IACOVANGELO: Dave (Lindsay), you know, that's a good point. One of the things that we did when we developed Brookshire Park in Henrietta, we had the same conditions there with the flood land going back to the river, and the installation of any storm water ponds would be prior to the delivery of any deeds. This way, it's still, you know, property owned by the developer and, you know, that way you can put the ponds on as long as they're approved by any of the regulatory authorities, and then there would be a -- there would be a -- you know a transfer to --

DAVID LINDSAY: My question would have to do with probably ownership of the ponds. Like in Park Place the ponds are divided up within the lots. The Town has an easement over it, but we don't actually own the pond. Is that a similar proposal in this development here?

MR. IACOVANGELO: No.

DAVID LINDSAY: Or would the ponds be owned by the Town?

MR. IACOVANGELO: Ponds would be owned by the Town. You would have easement between lots to get to it. You know, from the roadway. You know, so that -- that would be the intent.

DAVID LINDSAY: Okay. Nothing further.

BILL STEIMER: I had the same issue here. We -- actually, I thoroughly walked this area about a week ago, and if you put it in a percentage, probably near I would say 65, 70 percent of the development, when it -- when it is as fully built, that water is going to go to, um, the southeast headed for the creek.

I think most important thing lacking is storm water management from both sides. There has been a shovel digging across the road, across Archer Road on the old Zuber properties and I'm assuming that that retention pond is going to the Zuber -- the old Zuber pond at this point?

MR. BAKER: The old Zuber pond is higher in elevation. There is a drainage swale that goes across the property that is a natural waterway that is there. What we did was we -- we cleaned out the ditch that was on the other side of the road, and we put a discharge pipe for the house that was built on Archer, on Lot 3, just across the road right there.

BILL STEIMER: In looking at the whole, um -- I will call it the east side, where -- where it is certainly at an angle, but there is going to be much more water coming off the back side of the development than there is the front.

The high point right now is at about your last hydrant that you have installed at this time.

MR. BAKER: Pretty much, right.

BILL STEIMER: And looking at the slope, the existing slope, and the proximity to the creek, um, you have got to have a serious storm water management system in there. Both for surface water and for any -- any downspouts, housing downspouts or anything like that, because this -- you're going to have -- if you don't do it properly, you will have a lot more situations than the Town of Chili has with Indian Hill, and we don't want another one of those. We can't have -- we can't afford that situation. We should know better at this point.

MR. BAKER: Well, the original application did show -- the original approval did show storm water detention facilities on the project were -- were basically along that southeast area, and -- and again, this is strictly concept.

We didn't put the effort and the time into designing the entire site yet --

BILL STEIMER: But I think it's more of a priority than the streets or homes. Looking at the concept and the density that you have, the proximity to the creek and the slope on the back side of that whole area.

MR. BAKER: Right. Again, the original project did have -- if you look on the original approved plans, they did have detention facilities along that -- along that southeast area and obviously we have to do the same thing and we do the calculations as normal with the current DEC standards and submit them to the Town Engineer.

Again, this is concept. We're just trying to get the Board's feedback on the site restrictions, and obviously, we will design the storm water facilities like we have in the past with Park Place and every other project we have done.

BILL STEIMER: In looking at the pond system, going to Zuber's, you need that outflow. Is there going to be a permanent easement or something with that owner on the west side of Archer Road to make sure that your facility in that northwest corner functions?

MR. BAKER: The existing -- when -- I mention there is an existing pond built in this area (indicating), and that water presently has a -- a channel going to Archer Road, and it crosses the road in -- and it's -- it was built back when the project was first built. And the drainage system that crosses the farmer's field is the natural waterway that has been there since -- I don't know how long. Probably 1800s.

BILL STEIMER: But that is only surface water as a result of farming concentration not --

MR. BAKER: No. It is the discharge from this project that has already been built and approved and in place. It's already in place.

JAMES MARTIN: The original calculations, when we approved --

MR. BAKER: They're based on the original discharge for the site.

JAMES MARTIN: It was accepted by the -- by the Town Engineer at that time. You know, as adequately meeting --

BILL STEIMER: Jim (Martin), I think it needs to be relooked at.

JAMES MARTIN: It will be as this project --

BILL STEIMER: Housing density of any type will -- will prevent less infiltration of water than a golf course.

DAVID LINDSAY: I think it is fair to say the drainage study would have to be revisited given the density changes and the layout changes you have. The study that was prepared for those two ponds.

My question also has to do with what happens with those two existing ponds. Currently they're being maintained by the HOA. What is going to happen to them?

MR. BAKER: They would have to be put under easement. They're actually on existing properties now. They would stay on the properties, similar to what you discussed a short while ago where you have the ponds on the private property with the easement to the Town over it.

DAVID LINDSAY: Okay.

JAMES MARTIN: But I mean obviously, we're not doing site plan tonight, so this will all --

MR. BAKER: Right. I guess that is my point. At this point in time, we're trying to get the Board's impression on the redesign and the elimination of the HOA. The detail items as far as the storm water design, we'll definitely get into that and revisit the entire project.

JAMES MARTIN: Just to remind the Board, under PRD zoning, with the exception of the lot sizes, the minimum 10, maximum 20, which they have already indicated they will be looking at incentive zoning for those, all of the other dimensional requirements are subject to the Planning Board's discretion essentially. We're talking about setbacks and those kinds of things. So I will just remind you for PRD, that rests with us to look at that site plan and to decide if it is adequate.

You have heard our feedback. I don't think there has been any significant objections to the proposed layout.

Am I correct?

JOHN NOWICKI: They have some details to work out.

JAMES MARTIN: Obviously we would be interested to see the revised site plans when they come in and all of the other technical issues that you can deal with with the Town Engineer. You know, the traffic calming things that we talked about.

I think Mr. Cross came up with a very good suggestion about access to that dedicated land, if it happens, that the Town Board agrees to it. So I guess from the overall perspective, seeing something going in there rather than, you know, what has happened after six or seven years of not much, I don't see significant issues.

PAUL WANZENRIED: Nothing we can't handle.

JAMES MARTIN: All right. So we'll look forward to the site plan.

MR. BAKER: Very good. Again, we'll proceed to the Town Board and get their impressions on the revision to the PRD.

JAMES MARTIN: Thank you.

DECISION: The Planning Board reviewed the sketch plan for the proposed Vista Villas Subdivision. Several comments from Board members should be taken into consideration by the developer as the proposal moves forward. A major concern was the need for traffic calming on the long street that runs along the southerly edge of the development.

Due to the fact that the proposed incentive zoning proposal has not been reviewed by the Town Board, further comment on this matter will occur during site plan review.

The 6/11/13 meeting minutes were approved.

The meeting ended at 8:10 p.m.