

CHILI PLANNING BOARD
January 13, 2015

A meeting of the Chili Planning Board was held on January 13, 2015 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 Paul Wanzenried.

PRESENT: Paul Bloser, David Cross, Matt Emens, John Hellaby, John Nowicki, Michael Nyhan and Chairperson Paul Wanzenried.

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 Paul Wanzenried 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.

Paul Wanzenried made a motion to approve the 12/9/14 Planning Board meeting minutes, and John Hellaby seconded the motion. The vote on the motion was 6 yes with 1 abstention (Matt Emens).

PUBLIC HEARINGS:

1. Application of ALSL Enterprises LLC, c/o Angelo Licciardello, 50 Stablegate Drive, Webster, New York 14580, property owners: G. Felgenhauer/T. Allen and P Tool & Die; for resubdivision approval of two lots into two lots in the P Tool & Die Subdivision at properties located at 3513 and 3535 Union Street in GI zone.

Robert Avery, Angelo Licciardello and Michael Ceci (phonetic) were present to represent the application.

MR. ROBERT AVERY: Robert Avery, land surveyor, with Arrow Point Land Surveyors. I'm here this evening with the applicant, who is the purchaser, pending, Angelo Licciardello of ALSL Enterprises and his son. Also one of the property owners' representatives is here from P Tool & Die, Mike Ceci (phonetic), sitting next to Angelo (Licciardello).

This is a proposed subdivision of land located on Union Street, the west side, between the railroad tracks. Originally the P Tool & Die parcel, which not that long ago I had split up into two parcels.

At this time, Angelo (Licciardello) is wanting to purchase two pieces of land. One of them being the entirety of Lot 2, which is vacant, currently has 60 foot of frontage on Union Street and then goes back to encompass a total of 21.4 acres. Currently vacant.

Along with that lot of the original subdivision, he's wishing to add an additional 3.5 acres of the original Lot 1 off of the north side and the west side. That is the lot where the P Tool & Die facility is.

If that is accomplished, we'll end up with two lots like we began with, except the front lot, R1, formerly Lot 1, would now be 4.9 acres and the rear parcel R2 would be 24.9.

This meets the sizing requirements in the industrial zone.

We have one aspect of this that actually came out of the Town Engineer's comment letter from several days ago involving the existing septic system for the P Tool & Die facility. As we have shown it here, we're providing for an easement to contain that existing septic system, an easement for it to stay there for the time being and to be maintained until further development of the rear parcel occurs at that time bringing the sanitary sewer across the road and servicing the rear of that, and also the P Tool & Die facility would be hooked up to sewer.

Um, that was the main comment that came from Lu Engineers. And due to that, I had communicated with the Monroe County Health Department and sent them not only our map -- because they had already sent that at the original review from County Planning. And they took a look at the proposal and the easement, and I received a response to that early this morning, which I forwarded it onto the Town. I think the Board members may have gotten a copy of the email. The Town Engineer has seen it.

They have looked at it. And in individual cases, they will review -- in situations like this, and their feeling is that since there is the potential for development in the back, it seems pretty certain, um, and the sewers are nearby, that they would allow that situation to occur, and that is from Scott Hallock of the County Health Department.

We also had comments from County Planning on this. And they're pretty much canned comments, two of them. One indicating that we have a federal wetlands on the site. And yes, in fact, we do. Shown on the corner of Lot R2, a small piece of federal wetlands. We also have the small classified tributary in the same area, coinciding with it. Those are the two items that County Planning indicates. Obviously any development, which this proposal does not entail,

would have to take that into account.

That's all I have.

MICHAEL NYHAN: Would there be any immediate improvements to the new, larger piece of land that will result of the resubdivision?

MR. ROBERT AVERY: Not immediately. I would have to go to Angelo (Licciardello) for any of his plans for timeframe on the back piece.

MR. D'ANGELO: That is the first step and I already have DDS working on plans.

MICHAEL NYHAN: Who would be the use of the area back there? We received something today that showed industrial parcels.

MR. ROBERT AVERY: There was a concept plan that was prepared for Angelo (Licciardello) by DDS Engineers that does show projected use, possible concept for the rear piece, which did show eight structures in the rear with a cul-de-sac heading back towards them.

MICHAEL NYHAN: This septic system, where is it on the map? What is on the -- on my map.

MR. ROBERT AVERY: It's right here, Mike (Nyhan).

MICHAEL NYHAN: The little square --

MR. ROBERT AVERY: Yes.

MICHAEL NYHAN: That's the septic system?

MR. ROBERT AVERY: That's where it is. Also, from Joe Lu's office there and rightly so, he wondered why it was located there. That was actually constructed before the highway was widened for the crossing of Union Street over the New York Central. That is why it is located that close to the right-of-way. The State took right up to it.

MICHAEL NYHAN: My understanding is before any development occurs on the back lot, that septic system will be removed and connected to the public sanitary sewer?

MR. ROBERT AVERY: Correct. And the utilities will be the very first part of anything once they get approval from you for the whole process. That would be one of the first things that would be done, would be to bring those utilities in so it will be taken care of at the front end of any project.

MICHAEL NYHAN: Thank you. Those are all of the questions I had.

MATT EMENS: No questions or comments at this time.

JOHN HELLABY: My question has been answered. The only thing I would say, is as you move forward with your concept, please talk to everybody here to make sure you're headed in the right direction.

JOHN NOWICKI: I would tend to agree with that statement. I will end it there.

DAVID CROSS: Just one quick question, Bob (Avery). Both lots, would be conforming to the area requirements for this zoning?

MR. ROBERT AVERY: Yes.

DAVID CROSS: That's all I have.

JOHN NOWICKI: Just one other point I want to make in case this moves forward. I think this will require a very intense traffic study.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Paul Wanzenried 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 Michael Nyhan seconded the motion. The Board all voted yes on the motion.

PAUL WANZENRIED: Any conditions?

MICHAEL NYHAN: Not other than the requirement that they make the connection to the sanitary sewer.

PAUL WANZENRIED: Sure. I think that will come up -- it would come -- as he comes back to us.

MICHAEL NYHAN: Come in on the preliminaries?

PAUL WANZENRIED: Preliminary then. Right now we're just subdividing the lots.

MICHAEL NYHAN: Okay. Is --

PAUL WANZENRIED: Or combining them.

MICHAEL NYHAN: That's true. Same as any buffers.

PAUL WANZENRIED: Exactly. We would deal with all this in the next application.

MICHAEL NYHAN: Don't see the need for it then.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given

copies of any correspondence with other approving agencies.

3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.

MR. ROBERT AVERY: Was that preliminary with a waiver of final? I had requested, I thought, a waiver of final if there were no conditions.

PAUL WANZENRIED: It's a resubdivision.

MICHAEL JONES: No preliminary or final.

MR. ROBERT AVERY: It is confusing, because the only reason I'm -- I'm not not internally reviewed on this because it has been less than five years since subdivided. Otherwise I would have gone through the other channel and you would have reviewed it in the Review Board rather than the Planning Board. But that is neither here nor there.

MICHAEL JONES: Okay.

PAUL WANZENRIED: Okay.

DAVID LINDSAY: It's accurate. It's approved. There is no preliminary. No final. It's a subdivision. So you're good.

MR. ROBERT AVERY: Okay.

PAUL WANZENRIED: You're good.

MR. ROBERT AVERY: Appreciate it. Thank you, Mr. Chairman, Board members.

PAUL WANZENRIED: Sure, Mr. Avery.

2. Application of Ronald DiChario, owner; 90 Air Park Drive, Rochester, New York 14624 for preliminary site plan approval to erect a two-story office building (first floor- 66' by 370', second floor- 66' by 130') at property located at 50 Air Park Drive in GB zone.

Glenn Thornton, Rob DiChario and an unidentified female speaker were present to represent the application.

MR. THORNTON: Good evening. I'm Glenn Thornton, Thornton Engineering, applicant engineer for the applicant, Ronald DiChario. The proposal is to develop a one- and two-story office building at 50 Air Park Drive on a 3.56 acre parcel of land.

Total square footage of the office building will be 33,000 square feet. On the site plan you can see how it's laid out. It's a -- it's an L-shaped lot. We propose to place the building 17 feet from the western property line. The setbacks in the General Business District are actually zero on the -- for the side setback, so we conform with that. We conform with the front setback, as well. And I think the rear setback, as well, is zero, which required -- required and we're over 130 some feet from the rear property line.

Um, parking for the -- the office building will be on the east side of the building, towards the 70 Air Park Drive property, which is the four-story office building on the adjacent parcel. Um, what you see in the back, what is being proposed is some additional parking. Towards the rear portion, as well as creating a -- kind of like a park-like setting in the back with -- it will be maintained lawns back there, walking trails, earth berms with numerous tree plantings, and at the south side of the -- the building and parking lot, we'll have our storm water retention management facility.

On the east side of the parking, which is towards the east of the building, we're going to have a bio retention area to satisfy the DEC's green infrastructure requirements.

Um, I believe the building is -- is -- and the proposal is fully code compliant except for possibly and probably the number of parking spaces that is being proposed for the building.

We propose construction of 96 parking spaces. Depending upon interpretation of the code, much more than that would be required. I think the Town Engineer interpreted the code as 184 required spaces. I responded to the comments and I suggested maybe 163 spaces might be what might be required, based upon the number of employees working at the facility. And we based that argument on the adjacent property at 90 Air Park Drive, which is a -- about 30 -- 30 some percent larger, and they have about 65 employees. So we thought maybe 60 employees for this building was -- was reasonable.

Now, the number of parking spaces that we propose to construct, 96, the applicant feels that is more than enough for the -- the needs of the building, with the number of tenants that will be in the building leases space, and that is based upon his experience.

I'm not sure how many of you know Ron (Richmond), but he has developed several properties along Air Park Drive over the past 35 to 40 years, so he has -- he has quite a history, and I think this is a business that he is very familiar with.

The -- the usage in 50 Air Park Drive, which is being proposed now, will be similar to the -- to the other buildings. Most similar probably to the adjacent building, 90 Air Park Drive, which would be a combination of office space and flex space.

Now, I just want to point out, included in the packet was a -- a letter of intent for a -- The Pup Stops Here, LLC, which is an animal daycare facility. We're pulling that off the docket now. That's not a part of this application. We're just applying for site plan approval for the building,

not -- not for any of the tenants in the building.

So just to kind of wrap up, we did receive comments from the Town Engineer. We responded to the comments. Most of them were -- were fairly minor and can easily be addressed on some revised drawings we have not yet submitted. We have also received comments from the Fire Marshal and I'm not -- I didn't quite understand the comments. We have provided the required 20 foot wide access drive with turnaround within 100 -- I'm sorry, within 300 feet of all parts of the building.

So with the main aisle down the -- the parking area, that provides the -- the required access. Now, if some enhancement of that is needed to satisfy the Fire Marshal, I think we can easily accommodate that with possibly increasing the -- the width on a portion of the driveway that loops around to the west of the building.

That's about it.

PAUL WANZENRIED: Okay. Do you have any intention to sprinkler the building?

MR. THORNTON: We will be sprinkling the building, yes.

MATT EMENS: So the main thing that I was looking at -- actually, two things. One is that rear access drive at 12 feet wide. I see your AA section cut-through there showing the drainage to the center of the catch basins and then off the grass or green off to the side. It looks like in the renderings that are passed around, it looks -- the rendering shows it to be a little bit nicer than it is in the actual site plan, I would think. Is that true?

MR. THORNTON: Yeah. On the bottom rendering, you mean? It will be right up tight to the building.

We -- we only have 17 feet to work with, so the pavement up tight to the building and then we'll have a grass area that runs down to the RGE chain link fence on the adjacent parcel.

MATT EMENS: So the other thing I looked at, obviously it is tight. You guys have looked at that. I understand the name of the game in development is leasable square footage and I can appreciate that from the owner's perspective.

The other thing I would be concerned about, we're not seeing yet, is obviously the -- depending on the use and occupancy is exiting and the size of the tenants that will have exits off the back. My concern would be then if -- your 12 foot drive, if that is the required drive width, right, for the single lane --

MR. THORNTON: Yes.

MATT EMENS: Per code then my concern is going to be the clear area you will need for that exit swinging open into that area, if the pavement is tight to the building, like you're showing in this drawing.

Do you see what I am saying?

MR. THORNTON: Not really.

MATT EMENS: If you have tenants' spaces going in the flex space. You don't know what they are right now, but you will have exit doors out the back of the building.

MR. THORNTON: Correct.

MATT EMENS: When that exit door swings open, it is into a drive which you can't see.

MR. THORNTON: I see what you're saying.

MR. EMENS: So my concern be that 12 foot, if it is tight to the building, now you don't have any room to play in terms of exiting and having the clear area --

MR. THORNTON: I'm a dumb civil engineer, so I can't address that. We'll talk to the architect about that.

MR. EMENS: Once again, I know you're probably not that far down the road obviously, but that is where my concern will be. If you show the drive tight to the property line and there was space between the building and the drive, you might be able to make it work. But I think that is where you're going to run into some problems.

The other thing, too, is you will have to pardon me -- I don't remember exactly -- I should know this, but tonight's my first night. I actually just came from the Architectural Advisory Committee.

One of the things when I was on the Advisory that I was looking at in the -- the schematic floor plan that was submitted, is, you know, I see the general floor plan -- I'm sorry, the general elevations there. I know they're schematic in nature and they're preliminary. I see these renderings tonight. So I haven't had time to fully digest them. I guess my only comment --

PAUL WANZENRIED: It's in the GI.

MATT EMENS: It's not applicable? Not applicable.

Thank you for answers to the question that I didn't need to ask. That's all I have right now.

JOHN HELLABY: Along the same lines as this drive being up tight to the building, it makes it difficult for snow removal. You have got downspouts and stuff (indiscernible) eventually, so at this point, just make sure you address that.

Can I assume building material is going to be comparable to what is in this complex already? Similar construction?

MR. DICHARIO: Yeah.

JOHN HELLABY: It doesn't really give me a sense as far as use. Do you anticipate any retail back here? Is it all office? Right now and storage?

MR. THORNTON: No retail, right.

MR. DICHARIO: No. Flex space basically. If you took the front portion of the building and you had offices, as we built in the past over the last 40 years, when you walk through the back area, it is usually one huge room with a drop ceiling and lighting where it's either storage or a distribution of some small products or maybe computers that they use to manage different

businesses and things. We have a lot of computer companies that were in the complex over the years.

JOHN HELLABY: The only other question I have is for Mike Hanscom. This thing is dated yesterday. I haven't had a chance to really look through it because I just got it tonight. Have you given a cursory look? Has this answered most of your questions?

MICHAEL HANSCOM: Um, I -- I did scan over it, and it did answer most of the questions, yes.

JOHN HELLABY: All right. That is all I need. Thank you.

PAUL WANZENRIED: What was your answer to his comment regarding the buffer on the R1 RM District?

MR. THORNTON: The rear buffer?

PAUL WANZENRIED: That's correct.

MR. THORNTON: Um, I can read it to you. Why don't I just read off the response here?

PAUL WANZENRIED: I would like that.

MR. THORNTON: Okay. The development plans will not disturb an existing 20 foot wide vegetated area within the rear south side of the parcel, which will provide a buffer to the adjacent State-owned property. It is also noted the State-owned property contains numerous trees and shrubs that also provide a visual buffer to the DiChario parcel. The project designs incorporated earth berms and perimeter tree plantings to further enhance the buffer to the adjacent property.

And what I'm talking about there with the -- the 20 -- the 25 foot area back here, this is all fairly heavily vegetated back here (indicating), which does provide a good screen either way. There -- there is a couple gas lines buried back here, so this is a -- a no-touch area. So we're just leaving that.

These (indicating) are where the berms are being constructed and we'll have plantings on top of the berms. But also on the adjacent State property, there is numerous trees up here between the -- between the trail, which was the old railroad embankment and -- and the DiChario property.

So it is -- it is well screened. If you go out there today, the leaves are down. Yes, you can see the trail, but throughout the summer, you -- you don't even see that Greenway from the property.

PAUL WANZENRIED: Um, one of the items that -- was to relocate the dumpster. Any idea where you plan to relocate that?

MR. THORNTON: I'm hoping not to. The dumpster location there, granted it is close to the pond, but it also provides the most convenient location for truck access, for turnarounds and for the tenants in the building. We didn't want to locate it off to the east. It would just be kind of an inconvenience to get the material to the dumpster.

Um, as for the dumpster enclosure itself, we -- we do different things. We could -- they do leak. We could curve part of it to try to intercept anything that might leak out of dumpster, but I mean if it is located any other place on the property, it would still leak, and it would eventually drain into the pond, as well. Maybe there would be some filtering before it got there.

But we -- we would like to keep it there only because of truck access. It just seems to be the -- the best location for it. Also, we didn't want to locate it further to the east, because we are trying to create more of a park-like setting further to the east there with the trails and the landscaping.

PAUL WANZENRIED: The -- the storm water retention basin there, that's -- if I'm reading this correctly, that is about 7 feet deep?

MR. THORNTON: From the top of the berm down, correct.

PAUL WANZENRIED: From the top of the berm.

Well, it's pretty much grade actually. Your berm -- highest berm you had is 524, 532, but you go from 530 to 523. So it is about 7 feet deep. Is there any sort -- because that's a -- let me ask this question, first, Mr. Thornton.

What is the purpose of the green area? With the stone walk trail back there?

MR. THORNTON: Um --

PAUL WANZENRIED: Just for the tenants to --

MR. THORNTON: The tenants, the neighbors, trying to create something that looks nice as you look out the rear of the building. That's the only reason.

PAUL WANZENRIED: Is there any idea of how to protect the pond? I mean, is there any concern for I don't know somebody walking back there, a kid walking back there and falling in?

MR. THORNTON: We have 1-on-3 or 1-on-4 slopes into the pond. It is very gradual. It's not steep. It's not a drop-off. We do -- on drawing S3, we indicate the depth of the water during certain storm events. I think typically we're only going to be storing a couple feet of water in the pond.

During -- during the dry season, that will evaporate. But during the bigger storm events, we'll be getting more depth of water. But we didn't -- we didn't plan on -- on fencing it in or anything like that. Ron (DiChario) wants to mow right up tight to the water to keep it looking good.

PAUL WANZENRIED: Okay. And you understood the comment, relocating the handicapped spaces further down?

MR. THORNTON: No problem.

Actually, all of the other comments we just acknowledged and said we will -- we will make the changes requested.

PAUL WANZENRIED: Did you address the helicopter landing pad? Is that going away?

MR. THORNTON: Going away. Decommissioned.

JOHN NOWICKI: Just a question for you. The Conservation Board, have you met with them and taken care of them?

MR. THORNTON: We have not. We hope to meet with them, get the -- we -- we are going to submit this landscape plan. We said we would rather wait to get the Town Engineer comments and this Board's comments. We'll revise the plan as necessary and get it submitted and hopefully be in front of them early next month.

JOHN NOWICKI: Okay. Because they have some comments here they want to address. You will take care of them?

MR. THORNTON: Okay. Can I get a copy of those comments, or have they been --

JOHN NOWICKI: (Indicating).

MR. THORNTON: This isn't the only copy, is it?

JOHN NOWICKI: No.

MICHAEL NYHAN: Did he sign for that? (Laughter.)

DAVID CROSS: Glenn (Thornton), just a question. You're proposing 163 spaces right now. So you -- so you need to bank on whether there is something like 20, 20 some spaces.

MR. THORNTON: We're proposing 96 spaces right now. 96.

DAVID CROSS: Oh, okay.

MR. THORNTON: Which is far deficient from code. Any interpretation of code. Either the Town Engineer's or my numbers that we tweaked a little bit, we're still --

DAVID CROSS: My question is, do you have room to bank those 70 spaces in addition to the storm water requirements that you have to meet?

MR. THORNTON: We -- we can. We can land-bank all of them, or we could land-bank some of them with a variance. Or --

PAUL WANZENRIED: I think they would have to go for a variance.

DAVID CROSS: I mean, it's -- because we don't know what is going in there. It is office flex. So, you know, I think that is a big unknown. I think you're -- you know, you -- you need to do a little more diligence to show us that future uses, the parking, can fit more with this number, with the green infrastructure requirements.

MR. THORNTON: Your question, we can land-bank enough spaces back there if -- if required.

Um, personally, I don't like showing a lot of land-banking on a property, because it really just -- it limits the use of -- of that property. Um, we don't think the spaces are needed, but we're willing to do whatever -- whatever is necessary. We would rather, I think, obtain a variance, if possible, for a lesser number of spaces.

DAVID CROSS: Maybe that is the way to go.

PAUL WANZENRIED: That is the smart way to go.

DAVID CROSS: The only other comment, you know, Matt (Emens) brought it up, you know, 30 -- it's a large building. Granted it is in a General Business zone, but a 33,000 square foot building in the Town of Chili I feel should be looked at by our Architectural Advisory Committee. My -- just my -- my thoughts. I -- I don't --

MR. THORNTON: We have submitted plans to them and we anticipate being in front of them on the 28th.

DAVID CROSS: Architectural Advisory Committee?

MR. THORNTON: We did, yeah. We may have jumped the gun there. Maybe we don't need to go in front of them, but we did submit plans to them.

DAVID CROSS: I would like -- I would like to see that as a condition. It's a large building.

MICHAEL NYHAN: It is.

PAUL BLOSER: Where are you stockpiling snow, pushing it?

MR. THORNTON: We have shown two or three different areas on the plans. Um, two of the areas are on -- you know, alongside the parking area, to the east, the arm that extends out. We have a snow storage area in front of the building, in that -- in that green space. And then we have another snow storage area to the west of the pond, south of the building. So we have designated four separate areas that we -- we think make some sense.

DAVID LINDSAY: Just to clarify the Fire Marshal's comment for you, I think what he was talking is you said you would sprinkler the building. So you have to have a -- basically be able to get a fire truck within 300 feet of any part of the building.

So he was looking at is the access road on the north and south end of the building, which I think are currently 15 and 12. You would have to widen them 20 feet but obviously not one around the back because those two terminus points get you to the -- within the 300 foot limit.

MR. THORNTON: That's what I thought he meant. Even without them, we are within 300 feet even without increasing the width of the drive.

DAVID LINDSAY: 300 feet of the back side of the building.

PAUL WANZENRIED: But at the time that the comment was made, we weren't under the impression -- there was no mention of sprinklers, so therefore, it is 150. That is when you were deficient.

MR. THORNTON: Right. At 300.

PAUL WANZENRIED: At 300, you make it, Glenn (Thornton).

MR. THORNTON: If a truck is parked here (indicating), he's within 300 feet of this point here (indicating).

DAVID LINDSAY: Just check that and make sure that is what he was talking about.

MR. THORNTON: We can increase those. If they want them for turning the equipment around or whatever, it can be done. The one in the rear probably makes more sense than the one in front to create that much more pavement in the front. We would like to create some lawn and landscaping.

DAVID LINDSAY: I would just say reach out to him and satisfy whatever his concerns are.

And then in regards to the dumpster, I understand your concerns moving it too far to the east. I think one of the things we were talking about here, too, is it may hinder your ability to plow that parking plot if you're pushing all of the snow down towards, I guess, it would be the south, having that dumpster right there. If you have people parked on either side of it or at least on one side, you will have a hard time plowing or pushing that snow someplace. You might want to consider even if you slide that to -- I guess it would be to the west a little bit or something like that.

MR. THORNTON: It's just trying to get the truck into it is our concern.

DAVID LINDSAY: That's all I have.

MICHAEL HANSCOM: No additional comments. They have covered it.

BILL STEIMER: The Conservation Board did get a preliminary look at it. If there is any questions you have on the comments, maybe I can answer them after the meeting.

MR. THORNTON: No. I see -- I see your comments. It's really -- you pointed out some corrections we need to make on the EAF. The property is adjacent to parklands and item number 18. I know we checked "yes" and didn't include an explanation for that.

BILL STEIMER: That's --

DAVID CROSS: Procedurally, Mike (Jones), maybe you can help. It's an adjacent town, right? Town of Brighton is -- do they get notified for SEQR?

MICHAEL JONES: Yes.

DAVID LINDSAY: They would have been notified. Yes.

DAVID CROSS: That's all taken care of?

DAVID LINDSAY: Yes.

DAVID CROSS: That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: Charles Rettig, 1032 Coldwater Road.

What is the location of the new building just for orientation? Is it east or west of the existing building?

MICHAEL NYHAN: West.

PAUL WANZENRIED: Southwest. Southwest? Yes. Southwest.

MR. THORNTON: Southwest.

MICHAEL NYHAN: Between the existing building and the RG&E area.

MR. RETTIG: Thank you.

MICHAEL NYHAN: You're welcome.

MR. RETTIG: Will the existing above-ground storage tank be removed?

UNIDENTIFIED FEMALE REPRESENTATIVE: Those have been removed and decommissioned.

MR. DICHARIO: They're closed.

MR. RETTIG: Thank you.

Paul Wanzenried made a motion to close the Public Hearing portion of this application, and Michael Nyhan seconded the motion. The Board unanimously approved the motion.

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

PAUL WANZENRIED: I have maybe curbing the dumpster pad, if it stays within the existing location. The need to meet with the Conservation Board, the AAC. The need for a variance for the parking deficiency. And to increase -- I don't know if you want to do front and the rear or just the rear aisle there, that -- that drive aisle, that drive in front and the rear of the building. Not necessarily the one that is against the building. Because I realize you can't do anything with it, although I think Mr. Emens make a valid point. You open a 3 foot door, that 12 is 9. So.

MR. THORNTON: Yep.

PAUL WANZENRIED: So those are the ones that I have.

Does the Board have any others? Okay.

Paul Wanzenried 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.

PAUL WANZENRIED: Curb the dumpster pad at the stage where it is existing.

The need to meet with the Conservation Board and the AAC or Architectural Advisory Committee.

The need for a variance for the parking deficiency and the increase in the front and rear access aisles.

JOHN HELLABY: Got it covered.

DAVID LINDSAY: Standard conditions for Town Engineer.

PAUL WANZENRIED: Yes. And then the long list, you know, the -- we have a page of boilerplate conditions that will go along with this. So.

This is for preliminary. I believe preliminary site plan only. So based on that.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Applicant shall:
 - a. Curb the dumpster pad.
 - b. Meet with the Conservation Board and Architectural Advisory Committee.
 - c. Obtain a variance from the Zoning Board of Appeals for parking deficiency.
 - d. Increase front and rear access aisle to minimum 20 feet.
 2. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and approval.
 3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
 4. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
 5. Pending approval of the Zoning Board of Appeals of all required variances.
3. Application of Archer Road Vista, LLC, owner; 783 Wangum Road, Fishers, New York 14453 for reapproval of preliminary subdivision approval of 175 lots to be known as Vista Villas Sections 2-6 at properties located at 100 Clubhouse Drive in PRD zone.

Walt Baker and Gary Pooler were present.

PAUL WANZENRIED: It's my understanding that they are seeking preliminary and final on Section 2, preliminary only on Section 3 through 6. Would that be correct, Mr. Baker?

MR. BAKER: Yes, sir.

JOHN HELLABY: Mr. Chairman, before you proceed, it is my intent to recuse myself from this application as I did in July when this was heard.

PAUL WANZENRIED: All right. You're recused, Mr. Hellaby. Thank you.

MR. BAKER: Good evening. I'm Walt Baker with DSB Engineers and Architects. With me tonight is Mr. Gary Pooler. He is the Managing Partner with Archer Road Vistas, LLC.

And as Chairman stated and also what we had in our cover letter, we're here tonight for revised preliminary and final for Phase 2, which consists of 47 lots, and Phases 3 through 6, which consist of 127 lots for a total of 174 lots. I know you mentioned there was 175 lots, but if the Board recalls last summer when we were in here, and subsequent to our -- or prior to that meeting, we had to go to the Zoning Board to revise the plan so the lots all comply with the current PRD zone. 10,000 to 20,000 square foot lots.

As you probably recall, prior to that we had lots that varied in size from 8,500 square feet up to 2 acres, so when we combined all of the lots to make 10 to 20,000 square foot lots, in that revision, we actually lost another lot. So we're down to 174 lots for Phases 2 through 6. And Phase 1, that has been filed already with the County, is actually 41 lots for a grand total of 215.

Board may recall we actually started with I think it was 100 and -- or 230. Now we're down to 221 and now down to 215. So it's been -- we have been working on this project since -- over a year now. It's finally coming around to, I believe, where we have got all of the issues addressed.

We did receive comments from the Town Engineer on the revised plan. The map I posted on the board is the overall map which shows all of the phases. The area in purple and along Archer Road are actually -- it's Phase 1 plus the existing frontage lots along Archer Road. The white area down in the lower right left corner is Phase 2 which we're seeking preliminary and final approval on, and the green area is the -- the green shaded area is Phases 3 through 6 which will be preliminary approval and we'll come back a phase at a time for final on those in the future.

As I mentioned, we did receive comments from the Town Engineer. I don't know if the Board had a chance to take a look at those. We -- I can briefly go over them. We did have a

couple that I would like to mention as far as concerns that we -- we met with the Town Engineer and the Commissioner of Public Works. We went over all these comments and gave him written responses to each one, but item Number 3, it said, "We -- we would recommend the Planning Board ask the applicant for a reason why they're requesting a 10 foot wide rear setback."

We discussed that with the Commissioner, Gary (Pooler) and myself, and the Town Engineer, and we would like to change to a 30 foot rear setback, not a 10. As you know, other lots that we -- some of the lots do have rear drainage easements and they will have a 20 foot drainage easement, which is Town standard, so it ends up 10 foot on one side and 10 foot on the other side. We were unsure -- the 10 foot rear setback, we thought, would apply to sheds, but apparently sheds fall under a different criteria with the Town, that you can have a shed within 8 feet of a rear setback, providing you don't have an easement to the Town where somebody would have a restriction for that extra 2 feet. So 30 foot rear setback is more than sufficient.

All our houses, I believe we discussed the design of the houses and the lot width being 60 feet wide, and I handed out to the Board, I believe it was last summer, um, typical layout that we had for the lots. I brought extra ones in case you wanted to see it again. But it illustrates the largest home we're proposing to build is 44 feet wide and actually 36 feet deep, so we end up with our 35 front setback, the house being 36 feet and average lot depth of 145 feet, so you have a 74 foot backyard. So a 30 foot rear setback is more than sufficient for that. And I can hand those out again if you would like.

MICHAEL NYHAN: What are the side setbacks on those?

MR. BAKER: I was going to get to that.

Comment Number 8, in the Town Engineer's comments actually references the -- the 5 foot side setback, and they -- the Commissioner and the Town Engineer requested the Planning Board to consider requiring a minimum distance between constructed homes of 15 feet as measured from the building, garage foundation. Minimum side setback would be maintained at 5 feet. The purpose of this recommendation would be to insure there would be adequate spacing between the buildings for property grading to achieve positive drainage away from the homes. We don't have any problem with that. We agree to putting a note on the plan, maintaining that 15 foot separation between structures. If, in fact, somebody were to build a home and it was more to the side of the property where a 5 foot side setback would be, the other side would have to be 15 feet from that other side of the structure to the adjacent property structure, which as you can see from this typical sketch, we're going to be well within that requirement. So we can put the note on the plans, so the builder goes for a permit with the Building Department, they have do a plot map where we're going to place the house on the lot and it will comply with that requirement.

Now, back to comment Number 4, from the Town Engineer, he is referencing the 100-year flood plain and the fact there is 18 lots. They do show up on the overall map.

They have -- the 100-year flood plain actually follows a 526 contour elevation, which is this area right through here (indicating) that comes up onto the property. So if you were to count up the number of lots that actually had that 100-year flood plain, he listed them on his comment sheet, and like I mentioned, the elevation of that 100-year flood plain is actually 526. We do have -- we don't -- we're not proposing any grading within the 100-year flood plain. We can't. We didn't intend to in the beginning. We did grade all of the lots with a minimum of 1-on-4 elevation grade change for any fill areas or slope on the backyards and the Town code is 1-on-3. We're going to a 1-on-4, make it a little bit flatter. We're well above the 100-year flood plain.

Our lowest architectural opening will be approximately 533 1/2, so we're going to be well over the elevation of 526, which he is referencing a concern may be as far as the -- the lowest architectural opening for that. And the State requirement is 2 feet above the 100-year flood plain, so we exceed that considerably.

Um, it shouldn't affect the insurance for a property owner. Typically a bank, lending institution, will ask for what they call a surveyor's elevation certificate, and you hire a licensed surveyor. He comes out and does an elevation certificate survey to verify that the elevation is a minimum 2 feet above that 100-year flood plain elevation. Like I mentioned, we'll be well above that. So the lots in question will not be affected by that.

The street lighting, we had shown street lighting proposed at the intersection, and the Commissioner of Public Works would like to see them spaced 250 feet and we responded we'll provide the spacing for the streetlights at 250 feet alternating on either sides of the street.

The storm water ponds obviously will be on the private property with an easement around them. We have to change the wording so it complies with what the Commissioner likes to see for the agreement, and Archer Road Vistas will sign off on those easements for all of the lots and they will be transferred to the property owner when they purchase the lots.

As I mentioned, the other comments that I did receive, they're technical in nature, and we'll comply with that and work with the Commissioner and Town Engineer to address everything.

We did also provide a -- a sanitary sewer easement from the southern entrance at Phase 2, along Archer Road to the south for the adjacent property owner to have access to a public sewer. So it would be a Town sewer easement, 20 foot wide Town sewer easement along Archer Road, Lot 201, which is adjacent to Archer Road, so the property to the south, and obtain a sanitary sewer.

And also Mr. Pooler mentioned that if, in fact, the property owner to the south needed additional land -- we do have -- the shaded areas where we're developing the project, which is actually the boundary of -- of the project from the beginning, back in 2004, and the remaining lands, approximately 140 acres which is outside to the south and north of Black Creek, and -- and that area will remain in Archer Road Vistas, LLC. Easements will reflect that. We'll have

the easements drawn up and they will sign off on that for the Town, the drainage easements, but you will also provide the property to the south the ability to obtain some of that land, if needed, for mitigation for wetland purposes.

Which brings me to the Monroe County review comments for the DRC. We did receive those today. And if you would like, I could go through those.

Their first comment was they mentioned about the National Flood Insurance program, and that kind of falls suit with what I mentioned about the 100-year flood plain and the properties being above that, to give a survey certificate to prove that elevation of the homes are above that elevation, so that's -- so that can be complied with easily.

The second comment from the County refers to the Agricultural and Markets Law, and Agricultural Data Statement. We submitted that probably a year ago and that should be in the Building Department with our initial application for the project.

Comment Number 3, to avoid possibly sending emergency vehicles to the wrong address, the applicant should have the names for the streets approved by 911, which we have done. We have actually changed the southern entrance road name to Vista Villas Drive, and that's been approved by 911, so -- last time we were in front of the Board we went ahead and did the street naming.

We also met with the Conservation Board. I think it was last November, end of November, prior to the holidays, regarding the tree species and we did put -- they actually decided on a -- different types of trees that they would recommend versus the trees that have been in the Town spec book, so they have revised that. We have shown -- I received that data from them and I have added that to the grade and erosion and control plan. The different tree species, they wanted to see them alternate every third lot, so we put the notes on the plan to that effect. I believe the Conservation Board should be okay with that.

So the street names are taken care of, we believe. And that brings us to the other comments on the back of the County, which reference realty subdivision. Actually we -- it came from the Monroe County Health Department. We always have to go through the process of obtaining all of the approvals from the outside agency, including the Health Department, because it's a realty subdivision. That's a standard that needs to be taken care of. We always do.

Item 2 came from Monroe County DOT Transportation. We talked about filing and monuments on the property. We always check the monuments with the Survey Department with the County to make sure everything complies.

And Number 3 was the overall jurisdiction and route number. They -- apparently we have a route number listed wrong. We'll change that on the map.

The State wetland, as I mentioned, we -- besides the 100-year flood plain, we have a State wetland I didn't mention. The County brought it up. And it is on the property. It pretty much follows along Black Creek. It was delineated at the beginning of the project, which was probably in 2004. So they do have a five-year stipulation on the Army Corps with delineation of the wetlands, so that will have to be re-delineated. However, it's on the 130 acres, which is -- isn't on the property that we're seeking preliminary and final approval for Phase 2 or 3 through 6. So it's -- it's primarily along Black Creek. There is one little isolated spot south of Phase 2, in this area. It shows up on the grading plan. It is in this area. There is a little patch of wetland delineated in this area, but it's approximately 100 feet from our boundary line.

So we will get that re-delineated, but it is not affecting our project as we're presenting it for preliminary and final. It's actually on the remaining 130 acres of land. That's the -- the main part of the concerns.

The final paragraph was about greater than five acres that needs to be re-delineated. So we'll definitely work with the Commissioner of Public Works, if that is acceptable, to get that area re-delineated, which wetland, I'm sure, hasn't grown on our property, because the elevation change. It should be right where it was five years ago.

If the Board has any questions.

JOHN NOWICKI: Do you have the same letter I have here for County Comments?

MR. BAKER: Yes.

JOHN NOWICKI: There is a couple there. The last one on the page about a traffic study.

MR. BAKER: Oh, I'm sorry. Traffic study. Yes. We did prepare a traffic study. We actually did that last November in preparation of submitting for the December meeting, and then we postponed it until January. So I believe we submitted that to the Town Commissioner. I do have extra copies --

JOHN NOWICKI: Okay.

PAUL WANZENRIED: We got that.

JOHN NOWICKI: We have it.

DAVID CROSS: By SRF?

MR. BAKER: Yes. We don't do traffic studies, so we hired SRF as a traffic consultant. They work with us all of the time. We had SRF go out and compare between the original project that was approved with the golf course and the 198 homes for the revision seeing we're going to 215.

So the conclusion of his letter here, which is on page 2, references that the project has added ten more vehicles per hour at the peak hour, and as you're familiar with the peak hour, it would be the traffic hours in the morning, traffic coming in, traffic coming home at night. So his analysis concludes that there would be approximately ten more vehicles at that peak time which spans -- two-hour span in the morning and two-hour span at night, so it is -- kind of spread it out. It is really -- as he stated it, it doesn't affect the functioning of the project.

So the County picked up on everything. Fortunately, we had all this stuff in place and done already.

Do you have any questions?

MICHAEL NYHAN: You have done a very good job at answering every question that I had written down. So thank you.

MR. BAKER: That's unusual.

MICHAEL NYHAN: I'm checking them off. Very good.

MATT EMENS: I just have one clarification, I guess.

On the entry and exit, which direction are we calling entry and which one are we calling the exit? Is it into the -- in the traffic study specifically?

MR. BAKER: Oh.

MATT EMENS: Just looking at that.

MR. BAKER: Entering and exiting traffic?

MATT EMENS: Correct.

MR. BAKER: He is talking about the approach entering into the site versus exiting the site.

MATT EMENS: But it is directly related to the -- to the existing road.

MR. BAKER: Correct. We sent them the new layout and said, "Here is our new layout."

We sent them the original layout with the golf course and 198 lots with the original -- which, as you all well know, had the two curb cuts on Archer Road. So it is basically the same curb cuts. The number of units has changed. So we thought with the elimination of the golf course, it may decrease the number a little bit, but it actually increased the number a little bit.

JOHN NOWICKI: You have covered all of the details, thank you.

DAVID CROSS: Just looking at Phase 2 there, the -- the two lots on the end, I guess, Vista Villas and Archer -- the two lots -- two and -- that flood plain comes way up into those lots and encompasses more than half the square footage of each lot.

Walt (Baker), is that -- you're still comfortable with getting the lowest architectural opening?

MR. BAKER: Those are the two I looked at specifically. Because the other ones we actually are, you -- you know, like I mentioned, it is 526, and the other lots, I believe, are 538, 542. The ones up in Phase 5 are that much higher. Those two lots, actually the -- the elevation I think of the garage floor was 534 1/2. So the basement or the -- the -- the architectural opening, meaning a basement window, um, is still going to be well above the 2 feet that is required. And it's outside the flood plain.

DAVID CROSS: Did I see something about a trail -- an easement for a future drive along Black Creek?

MR. BAKER: Yes. That was one of the comments that the Commissioner brought up that I didn't mention. He would like to see a trail somewhere in this area along Black Creek (indicating). You know.

DAVID CROSS: The trail would be constructed by the developer, the Town?

DAVID LINDSAY: No. That is -- this is as a result of, I think, the Black Creek Trail Corridor Study project that the Town did maybe a year or two years ago, called for one of the alignments possibly going along Black Creek. So we're asking for an easement for a possible future trail construction. Just an easement at this point, 20 foot wide.

DAVID CROSS: With that, and I -- I brought this up maybe a year or two years ago. Some sort of linkage from the future phases, um -- maybe somewhere like Phase 4 and 5, just some 20 foot easement between a couple lots for a future linkage to that trail would be nice. And I -- I don't know that I have seen it. I don't see it on these plans. It has not been addressed. I don't think it is asking a lot.

MR. POOLER: Don't matter to me.

DAVID CROSS: It's a PRD. It would be a nice amenity for people.

MR. BAKER: Mr. Pooler just indicated he doesn't have a problem with that.

DAVID CROSS: Perfect.

DAVID LINDSAY: If you're interested in providing that, you could probably just overlap it with a few of the lots where you have the drainage easements going to the back for (indiscernible) overlap those and then cross over the property to the south to link it up.

MR. BAKER: If we can work with the Commissioner regarding where the best location would be. We do have access easements between lots existing that are 20 feet wide and a sub surface access road, so it looks like grass but really it is more stable than just grass. So we could utilize that for two hole purposes.

BILL STEIMER: The Conservation Board kind of follows along David (Lindsay)'s questioning on the impingement on the 100-year flood plain. Um, probably more on principle because we filled in so much flood plain in the Town of Chili to date. And so we know there is no legal right to not do exactly what your proposal is at this time. But, um, there is enough people that feel seriously about impinging on the flood plain that, um, a number of concerned citizens and a member of the Planning Board and the Supervisor have been working on a package for planning open space and there is a specific part of this dedicated to changes, hopeful changes in the zoning code for the protection of flood plain. And this will be brought to the public and the Town Board next week. I wish we were a few months earlier, but just so a word of -- advertisement for the plan, and -- and the developer's knowledge, we would really like to, for a lot of reasons, not push developing in the 100-year flood plain.

MR. BAKER: If I could make a small comment regarding that. We -- the lots will extend

into the 100-year flood plain on a few lots. However, we're not grading into the flood plain. We're not taking away any 100-year flood plain. It's there for a reason.

DAVID CROSS: You're not filling in.

MR. BAKER: We're not filling in any of the flood plain, if that makes sense. Our grading is totally outside the 100-year flood plain. So we're not taking away from the storage value -- the 100-year flood plain as he mentioned is for the -- a reason. So when the theoretical 100-year storm comes, water has been mapped by the Government saying in this area this is how high it will rise. We're not taking away -- as he mentioned, there are areas in the Town which I'm unaware of which has probably happened in every Town, over the years, they inadvertently or unknowingly fill in the flood plain. There are laws that prevent you from doing that. We know that. We're not going in the flood plain at all.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: Just a couple questions. Are sidewalks proposed in this facility?

MR. BAKER: If I could answer that, yes, sir, they are. We have sidewalks throughout the entire project. 5 foot.

MR. RETTIG: These are concrete sidewalks?

MR. BAKER: Concrete sidewalks, 5 feet wide within the public right-of-way.

MR. RETTIG: Thank you.

You mentioned per the traffic study of ten more vehicles exiting and entering at peak periods. Can you identify that total? Because that is ten more than the previous study.

MR. BAKER: Let's see how he did that. Um, they referenced sub totals, the original subtotal, so they break it out into a table, if you will, so -- when they do the analysis. So basically, the -- the AM peak hour entering originally was 54 and the upgrade in 2014, the subtotal for entering is actually going to be 40. So we have a decrease. The original existing and a.m. peak hour is 97, and the upgrade is going to be 200 and -- I'm sorry, 121. So there is an increase there. The peak hour, exiting the original -- entering into the original peak hour p.m. was 121. In the 2014, it would be 132. Exiting in the peak hour originally was 78, and the updated exiting number stated 70 -- well, went down to 77.

MR. RETTIG: Okay. So what you're saying with the traffic study summary, is that you don't foresee these changes to be any particular problem?

MR. BAKER: Correct. They're not going to affect the overall functioning of the unsignalized intersection. And it doesn't warrant having a signalized intersection. The volumes are not there. We did speak -- we did speak with the Commissioner of Public Works about working with them as far as improved shoulder widening on Archer Road. We'll meet with him and follow up to make sure that he is satisfied with shoulder improvements, to make sure the shoulders are stable, so it will act as an active bypass area for traffic that is turning into the site and somebody can pass them on the right-hand side, of course.

MR. RETTIG: Is there still proposed a sewer pump station and what is that location? I would assume that is Phase 2, or no?

MR. BAKER: Yes. The pump station is still in the project. It will be located in an area -- right-of-way area right at this location here (indicating) near the entrance to the site, and it will discharge to a gravity sewer manhole that is existing up here (indicating), so we'll have a forced main line that is about 700 feet long that will tie in here (indicating), and this is all gravity from that point on. The pump station will serve as Phase 2 primarily and a little Phase 3. The rest will be gravity sewer to the north.

MR. RETTIG: Just an approximation for that pumping station, a quarter of an acre, third of an acre? Half an acre?

MR. BAKER: Um, trying to remember what Phase 2 area was. I think it is about eight acres maybe. About eight acres.

DAVID CROSS: You're asking him about the size --

MR. RETTIG: Size.

PAUL WANZENRIED: The size of -- the lot sits on?

MR. RETTIG: The plot that the pumping station sits on.

MR. BAKER: Oh.

MR. RETTIG: Or is contained.

MR. BAKER: It's -- it's just an increased right-of-way area. The pump station itself?

MR. RETTIG: The pump station itself, let's just say the pump station itself.

MR. BAKER: It's like not even a tenth of an acre.

PAUL WANZENRIED: It's minute.

MR. RETTIG: Thank you.

MR. BAKER: You won't see it there. It's a control panel, underground station with a couple extra manholes instead of one. You will see three manhole covers. There is a little staging where they have a control panel with a little red light.

MR. RETTIG: Do you have a delineation on the Phases 2 through 6, totals, for how many 10,000 square foot lots and how many 20,000 square foot lots?

MR. BAKER: Um, not with me. I didn't break it down as -- as far as the range of lot sizes between the phases. They're all --

MR. RETTIG: Not between the phases. Total.

MR. BAKER: Total? I can't say for offhand. I didn't -- they're all minimum 10,000, but

we range -- we end up with lots that are 20,000. You can see the ones in this area (indicating) get large. These are large (indicating). So the smaller ones are just basically, as you can see, the little rectangles. I don't -- I really don't have a good answer for you on that one.

MR. RETTIG: Okay. Well, in asking that question, which is just a general question, I think the Board should also know that, that if that answer of the total 10,000 and the total 20,000 square foot lots for Phases 2 through 6 could be given to the Board appropriately, as a follow-up to this -- at this particular hearing.

PAUL WANZENRIED: I have to ask to what end?

MR. RETTIG: So -- so the public knows the percentages of -- I mean, you know -- he can count them, I can count them. We can count them later. But to know what the -- what the percentage of 10,000 to 20,000 square foot lots is.

PAUL WANZENRIED: I --

MR. BAKER: In 1,000 size increments? I'm not quite sure.

MR. RETTIG: I just asked the question in a different way. To know whether we're overstating or oversupplying 10,000 square foot lots versus 20,000, or are we more equal with 10 and 20, or are we more 20,000 than 10,000? Just a general answer at this point.

MR. BAKER: You're saying 10 to 15 and 15 to 20? Because they're all -- they're all different sizes. They all vary in sizes. They're not 10,000 square foot lots and 20,000. There is 10. There is 10,150. There is 11,780. There is 15,400. They all vary.

MR. RETTIG: Okay. That answers my question. It is varied.

MR. BAKER: They're all varied throughout the project. They're not cookie cutter. You know, because of the curvilinear roads, we tried not to make it so it is a box design, so you can't take all of the lots -- we don't have 10,000 square foot lots just stamped out and then we did 20,000 square foot lots. They all vary in size.

MR. RETTIG: Okay. I appreciate that. Thank you.

PAUL WANZENRIED: Okay. Thank you.

MR. RETTIG: Does this project drainage and grading specifically mitigate drainage problems existing to -- to existing houses on -- to the west on Archer Road? That will be just those existing houses on Archer Road, which is -- which would be the backs of the lots.

MR. BAKER: Backs of the lots here (indicating)?

MR. RETTIG: Correct.

MR. BAKER: Actually with a storm water detention pond in this area (indicating), and we have easements with drainage inlets that provide the grading, all slopes towards the inlets and they all drain to the pond here (indicating). Down through this area we have drainage inlets in this area (indicating) and along the side of the lot over in this area here (indicating). We have a drainage swale that goes down to a couple storm inlets, so nothing leaves the property, if you will.

MR. RETTIG: Okay. Thank you. Appreciate that. Because I recall, when you were talking about the golf course, you were talking about a swale specifically in that area.

MR. BAKER: Right.

MR. RETTIG: You're generally doing the same or accomplishing the same thing?

MR. BAKER: Yes, sir.

MR. RETTIG: Thank you.

LUANN VANPEURSEM, 17 Clubhouse Drive

MS. VANPEURSEM: I just have a few questions. I'm kind of new at this and trying to get a feel for the development that I'm currently living in. If I may, um, I'm seeing a lot of homes along this way (indicating), and right now, where I am, my concern is with the traffic flow.

Is there going to be a stop sign at the intersection? This is a lot of homes. If you have got 200 homes, average home has two cars per home. Traffic as it is now, getting out of here (indicating) onto Archer Road, especially if there is a train, all of Archer Road is backed up. So, you know, we're adding 400 cars, and I understand your study that you went through with the traffic, the DMV or whatever, but does it make sense to me -- I'm a little confused because I'm seeing all these homes, 400 cars theoretically, coming out into two areas and there is no traffic light going to be proposed? That's a lot of vehicle traffic.

Traffic and -- I have dealt in EMS for over 30 years, and I know human nature is, this is going to become a speedway (indicating). There is no green space. Where are the kids going to play? And it's not going to happen in the backyards. Kids theoretically play in the streets. This becomes a speedway. Kids are playing right here now as it is. So this corner has worn down already with the cars turning out. So now they're coming in. You have kids playing here in the street (indicating). And I see no green space. So has the traffic flow been addressed at all? Because I'm not seeing it, and excuse me for not understanding this, but like I said, I'm new. Take the time to explain it to me.

MR. BAKER: Well, we try to incorporate the curvilinear roads which actually creates natural slow down in traffic.

MS. VANPEURSEM: With the curve, but theoretically that becomes a raceway.

MR. BAKER: Well, not necessarily because of the curves and stop sign, you have a T intersection which actually --

MS. VANPEURSEM: There will be a stop sign?

MR. BAKER: Yes. And I understand your point that every house has two cars and everybody leaves at the time, but they don't. So that's what the traffic analysis is all about.

MS. VANPEURSEM: Worse case -- yeah, worse case scenario.

MR. BAKER: Worst case scenario, you would have to have a hurricane or something.

MS. VANPEURSEM: I live here. I see it. And during rush hour, trying to coming out here is horrendous as it is, and now you're adding a lot more homes, a lot more cars. This is going to be a problem. I guarantee you.

I have been a paramedic for over 30 years. Trust me. That will be a problem. Because people are going to race out of here to try to beat the flow of traffic. I have seen Archer Road backed up the whole length of Archer Road, especially if there is a train there. I'm just wondering if Counsel has, you know, taken that thought.

MR. BAKER: The train stops, everybody has to stop.

MS. VANPEURSEM: I understand, but traffic is going to be the issue. Coming in and out of there. Just asking.

MR. BAKER: Well, again it -- you know, the traffic study is done to prove that you don't need a traffic signal. Generally don't like to put traffic signals up to stop traffic.

MS. VANPEURSEM: I know because you have one down here and down here.

MR. BAKER: Right.

MS. VANPEURSEM: It's crazy, but that is why I'm wondering if the feasibility is addressed here in regards to that issue.

MR. BAKER: Actually, it doesn't even -- the -- the -- if you were to look at Monroe County or even New York State DOT standards as far as analysis for a traffic signal, they don't start until you get up to 180 to 200 lots.

MS. VANPEURSEM: Don't we have 200 here?

MR. BAKER: Well, we have total 212, but this has two curb cuts. So we actually --

MS. VANPEURSEM: This is close to -- I was just looking. This is close to the intersection, so this won't be a problem then?

MR. BAKER: No, ma'am. That is why we have the two curb cuts. What we refer to as two curb cuts, two separate roads.

MS. VANPEURSEM: Okay.

MR. BAKER: If you had one access point, like you say, it may be an issue. But we have two. That is why we consulted with SRF to do the traffic study.

MS. VANPEURSEM: So how does the Town address it in the future if we do start to see a problem here then?

PAUL BLOSER: Are those stop signs three point or center point?

DAVID LINDSAY: Let me just jump in here. Those signs we worked out. The placement of any regulatory signs we worked out between the applicant and the Highway Department and they have to be approved by the Town Board. So whether it is posted as an area posted speed limit or lineal posted speed limit and where -- the actual placement of the stop signs will be something we work out with the developer.

MR. BAKER: Residential speed limit for the code is 25 miles an hour?

DAVID LINDSAY: 30 in the Town.

MS. CONNER: The speed limit will be 30 in here?

DAVID LINDSAY: As it is in any other subdivision in the Town.

MS. VANPEURSEM: And there is -- there is no plans for any green space then for kids to play?

MR. BAKER: We'll, they're private lots. Just as normal -- normal homes.

MS. VANPEURSEM: Nothing was taken into that, okay.

My last question is, when you're excavating the basement on the homes, the dirt theoretically seems to go behind the lots.

How are you going to get rid of that dirt?

MR. BAKER: What do you mean, when they actually dig the house?

MS. VANPEURSEM: Yes. Because right now I have a hill. I'm just wondering if that hill will be taken down from all of the dirt that has been taken out of the homes.

MR. BAKER: The hill behind your house on your property, no, that stays. What do you mean take it out?

MS. VANPEURSEM: How will you level it to the point where it was originally before you dug out the house?

MR. BAKER: Your house is built already, correct? You're talking a new home and somebody comes and wants to build a house.

MS. VANPEURSEM: Right now I have dirt behind my house, a huge hill.

MR. BAKER: Are you saying the builder left a pile of dirt behind your home after he dug a basement?

MS. VANPEURSEM: Yes.

MR. BAKER: Or the natural hill that was there before he dug the house?

MS. VANPEURSEM: There was a smaller hill, but it's much larger now.

MR. BAKER: I assume he would have to take that it out. I mean, the house builder. That is something the Building Department --

MS. VANPEURSEM: Okay. That is the norm then.

MR. BAKER: Yeah, they don't usually leave a mound of dirt in your backyard.

MS. VANPEURSEM: Well, okay. You would think not, but that is not what we're seeing. All right. That is all I have, all of the questions I have.

MR. BAKER: That should be -- talk to the Building Department. They should get the pile of dirt out of your backyard.

MS. VANPEURSEM: Well, it is behind my lot.

DAVID LINDSAY: I think it's on an adjacent section. She lives adjacent to maybe what would be Section 6.

PAUL WANZENRIED: It is.

DAVID LINDSAY: So it may be a spoil pile left over there that would obviously be removed. If it is part of the approved grading, they would address that at the time they do the bulk grading on the property.

MR. BAKER: I thought she meant the pile was in her backyard. It is behind her property on his property?

MS. VANPEURSEM: That's correct.

MR. BAKER: We have to get it out of there anyways. We can't leave it there.

MR. POOLER: Grading plan.

MR. BAKER: Put him on record. (Laughter.)

MR. RETTIG: Just one additional question.

Has this layout addressed and agreed with the CSX letter for setbacks, et cetera?

MR. BAKER: Well, glad you mentioned that. We did receive at the last fall, I believe it was, a CSX letter that apparently they're adjacent property owners, so when the Town notifies all of the adjacent property owners, CSX got a letter, and this lady down in -- wherever she is -- in Florida someplace. Yes. They have Florida. Jacksonville, Florida.

Apparently she referenced a couple comments about two projects, one being this one and another one, and she mentioned down in her fourth paragraph, should the Planning Board of the Town of Chili elect to approve the application for these locations, despite our concerns, and her concern being the -- the separation distance to the railroad tracks, obviously which has been there forever, she would ask the Board to consider placing a 50 foot buffer or a berm -- and/or a berm between any of the residential developments and the railroad right-of-way.

Um, we actually have a 60 foot that we left on the property, which will stay with the 130 acres, that actually ties in all of the way to Archer Road through this area. This remaining lands will stay in Archer Road Vista, the 60 feet wide here (indicating) and then it necks down due to the fact there is another -- the railroad, CSX, is actually up here (indicating).

So when you get to this point (indicating), there is another strip of land that is actually owned by Rochester Gas & Electric, which is 50 feet wide. So we have 60 here (indicating). This is 50, and then we have 45, so we have 95 feet in the section along through here (indicating), away from CSX's property line and we have 60 feet here (indicating), but as you can see, this was the original layout where the -- in the beginning, this was a golf hole, so these lots ended up in Phase 1 to be extra deep.

So we will exceed the 50 feet she is referencing.

MR. RETTIG: Thank you.

PAUL WANZENRIED: Any further comments from the public?

Paul Wanzenried made a motion to close the Public Hearing portion of this application, and Michael Nyhan seconded the motion. The Board unanimously approved the motion.

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

Paul Wanzenried 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.

PAUL WANZENRIED: Access easement to -- how do I want to put that, future trail? Future trail, Black Creek Trail? What are you calling that? Green space?

DAVID LINDSAY: Access easement for a future trail.

PAUL WANZENRIED: For future trail.

DAVID LINDSAY: Along an alignment satisfactory to the Town. Along an alignment satisfactory to the Town.

PAUL WANZENRIED: One other thing. We are going to want the updated wetland delineated, right? You were saying that, Walt (Baker)?

MR. BAKER: Yes.

PAUL WANZENRIED: And we want a concurrence letter with the DEC and Army Corps for any wetlands within what.

DAVID LINDSAY: I think what we said is about 250 feet around the perimeter of the project, if they would delineate any boundaries in there and get a concurrence letter from the DEC and Army Corps. You're familiar with that process.

MR. BAKER: Yes.

DAVID LINDSAY: And provide that to the Town.

PAUL WANZENRIED: Anything else, gentlemen?

DAVID LINDSAY: Our standard conditioning upon our approval here that will capture -- that will about give us the ability to address all those engineering comments.

PAUL WANZENRIED: I have a question, Mike (Jones). They're looking for -- can I break this down into two votes? Being they want preliminary and final for 2, can I run that as one vote and then run another we're giving them preliminary on 3 through 6?

MICHAEL JONES: Yep. Can absolutely do that.

PAUL WANZENRIED: I just think that would be -- so the Board understands and it is clear.

JOHN NOWICKI: Two votes.

PAUL WANZENRIED: So there is no confusion.

MICHAEL JONES: That makes sense.

PAUL WANZENRIED: So given that, for preliminary and final on Phase 2?

The Board approved preliminary and final on Phase 2 by a vote of 6 yes with 1 abstention (John Hellaby). See below decision.

PAUL WANZENRIED: Now, for preliminary on Sections 3 through 6.

The Board approved preliminary and final on Sections 3 through 6 by a vote of 6 yes with 1 abstention (John Hellaby). See below decision.

MICHAEL JONES: Just to be clear, the same conditions apply to the second vote, correct?

PAUL WANZENRIED: Yes. Yes. The conditions apply to both.

MICHAEL JONES: To both resolutions.

MR. BAKER: Yes. We'll work with the Commissioner and Town Engineer to address the comments -- the comments they made were to the entire preliminary overall and obviously we need his signature, so we're not going to file anyway.

DECISION: Approved by a vote of 6 yes with 1 abstention (John Hellaby) with the following conditions:

1. Update the wetland delineation.
2. Concurrence letter with DEC/Army Corps. For boundary for any wetlands within 250' of property boundaries.
3. Access easements to any future trails, greenways, parklands, etc., subject to the approval of the Commissioner of Public Works and to the satisfaction of the Town of Chili.
4. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
5. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
6. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
7. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
8. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
9. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
10. Building permits shall not be issued prior to applicant complying with all conditions.
11. Application is subject to all required permits, inspections, and code compliance regulations.

Note: Final subdivision approval has been waived by the Planning Board for Section 2 only.

The meeting ended at 8:32 p.m.