

CHILI PLANNING BOARD  
September 8, 2015

A meeting of the Chili Planning Board was held on September 8, 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; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Eric Stowe, Assistant Counsel for the Town.

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.

PUBLIC HEARINGS:

1. Application of Legacy at Chili Park, LLC, 301 Exchange Boulevard, Suite 200, Rochester, New York 14624 for Special Use Permit to erect a convalescent facility with associated units at property located at 3360 Chili Avenue in R-1-20 zone.

Don Riley, Tony DiMarzo, John Caruso, Elaine Matthews, Jennifer LaFountain, Brian Powers and Chris Nadler were present to represent the application.

PAUL WANZENRIED: It will be noted that the application was incomplete. We will hear the application through the Public Hearing but there will be no vote tonight.

MR. RILEY: Thank you, Mr. Chairman. I rise on behalf of Mark IV Development Corporation. I'm Donald Riley, 301 Exchange Boulevard, an executive with Mark IV.

When Mark IV -- by the way, we're celebrating our 50th year in business. Tony DiMarzo is our founder. He was 12 years old when he started Mark IV. But we're very proud of 50 years of -- of building and creating opportunities for people to live and an awful lot of other things I will spend a little time sharing with you tonight.

When we do a large project like this, we form a team and I would like a minute to introduce our team this evening. Anthony (DiMarzo), of course, is the owner, and unlike a lot of projects that you may hear, we build, own and manage, except those single-family homes and other things that we sell. So the Corn Hill Landing, which is one of our projects on the river is owned, operated and maintained by us.

Also tonight we're joined for -- to put it to your disposal for the purpose of answering any questions about a Legacy and assisted and enhanced and memory care, we're joined by two of our Executive Directors. Jennifer LaFountain on my left, sitting in front of you is Executive Director of Legacy at Cranberry Landing in the Town of Irondequoit. Jennifer (LaFountain) just successfully completed the licensure crusade, if you will, with the State of New York to bring for the first time assisted and enhanced service to that independent community. Cranberry is one of our nine independent communities.

Seated next to her is Elaine Matthews. Elaine Matthews is the Executive Director of Park Crescent on Mt. Read Boulevard in the Town of Greece. Park Crescent -- and we asked Elaine (Matthews) to be here because Park Crescent has cottages behind it. We appreciate many of you have availed yourself the opportunities to see just what that relationship is, not dissimilar to what we're going to be showing you this evening.

We consider ourselves lucky to have the kind of talent from an in-house engineering point of view and also on a consultant basis. Brian Powers on my right is our in-house professional engineer. Brian (Powers) does the -- much of the preparatory work, interacts with your staff on the details and the -- and where the rubber meets the road and oftentimes he is immersed in the field, too.

You may have seen -- our neighbors, you may have seen that man patrolling around on that 13 acres back there. That's him if you have to identify him.

We're also lucky to have Passero Associates in the -- in the personage of the President now of Passero, John Caruso. John (Caruso) has teamed up with Mark IV on any number of projects in the past.

I share this team with us -- oh, excuse me, Chris Nadler, our able Counsel. Chris (Nadler), again, brings that perspective that we need sometimes to work with your Counsel in resolving -- no two Town ordinances in the State of New York with its 900 towns are quite the same and there are subtiles and he worked with your Counsel on this.

What you're going to hear tonight -- and in a moment I can ask John (Caruso) to come up -- is a description of the -- of the meat and potatoes of this 13-some-odd acres from an engineering point of view and a technical point of view and no one can do it better. But I want to share a

little bit about us, and as the boss says, I will try to be succinct, but I am bullish on Mark IV. I have worked with Anthony (DiMarzo) for years and years and years on many, many projects. He's proud to say and I'm proud to witness that we have never not finished a project.

We know that this -- this land here had some starts and stops. Now, we have -- try to take a comprehensive approach towards it towards a planning approach and also the details of it.

The -- the Legacy story is a Monroe County story. It's a modern story. Up about 20 years ago, Anthony (DiMarzo) saw something very few people saw coming and that may speak to his success. He saw the need for independent senior living beyond maintaining your home.

So throughout the last 20 years, we have tried to find locations not by accident, but by design, that represented a place for mom and dad to be able to move from their home and still stay in their neighborhood, if you will, in their town, have the same church to go to, the same friends, the same Senior Center, the same coffee shop. We have been very successful in doing that and finding locations.

You are home to the Parklands, Legacy at Parklands, surrounded by some apartments that are independent of the Legacy, but that is a highly successful place for mom and dad to stay and live. Over 90 percent of the residents in a Legacy are from the town that that Legacy is in.

Now, we do have some -- some interesting geometrics when dad -- they want dad to live over in Victor and not in their backyard and we can accommodate them.

We also have one in Irondequoit, in Greece, behind Mercy High School in Brighton, on High Street in Victor near Eastview Mall, on Erie Station and 15 A.

Recently, we took over Village Wood at the four corners of Penfield and that's an independent living community attached to an enhanced, assisted enhanced memory care. There -- there is a pattern developing here.

And just down the road is Willow Pond. That was our very first Legacy. That is celebrating an anniversary, too. We have well over 2,000 seniors living under our roofs.

Now, it's important for you to note also that the employees are our employees. The chef -- the chefs are our chefs. The Lifestyle Directors are our Lifestyle Directors. Our Executive Directors and so on and so forth. It's fair to say, when I -- as I finish this little commercial, we generate 30 to 50 full-time real jobs and a whole slew of part-time jobs. That goes without saying, that -- this is a good place to work in a licensed facility like we're seeking to build here, with assisted, enhanced -- and there are subtleties to those treatments -- and unfortunately, memory care. The reality of today there is more and more need for that.

These jobs will even be a step up from -- from many of our other jobs that have been produced by us. We maintain the grounds with our own whole crew.

It is fair to say we have one of the largest highway departments in Monroe County under Phil DiGrazia and his gang.

That is an overall of who we are. We appreciate the work that your staff has already done in just getting us prepared to come in here and talk. Brian (Powers) and I have met with some of our neighbors. Since we're going to own this and manage this for many years to come, if they're our neighbors now, they will be our neighbors in the future. We are sensitive to that.

The issues that have been raised, I know John (Caruso) can speak to them. We're here for the duration, so, Mr. Chairman, if it is okay with you, I would like to ask John Caruso to come up and present the meat and potatoes.

PAUL WANZENRIED: Thank you.

MR. CARUSO: How do you follow that? How do you follow that?

Well, thank you for the introduction and it is always great working with Mark IV Construction. And you guys know it, when we did the Legacy project together -- and I think some of that is because they allow me to work with a team of people that allows us to solve the problems each site has. So let me get into a little bit of technical stuff.

So the Legacy project we're proposing on Chili Avenue here is on a 13-acre parcel. It's not a big property. As you can see from the site plans -- and some of you may recall from the past time we brought this through the Board in 2004, it's a very unique piece of land. It has a pinch point. Somewhere between that aside and this aside, you have to run a road through there. So some of the aspects and the layout configuration, if you will, dictates the design.

As -- as currently proposed, we have 28 units of independent living. That's what we're calling the cottages. Those are laid out on the westerly side of the property in the townhome fashion.

Then there is a main building, 109 units of assisted living and extended care or memory care.

The property is zoned R-1-20, and in order to do this type of housing project, it requires that we come before the Planning Board for site plan approval and a Special Use Permit. So just to put that out there for the record and for the neighbors' knowledge.

The second part of our presentation I will talk a little bit about the past and I have a plan I will switch to. Back in 2004, this parcel was approved by the Planning Board for a duplex development, 16 buildings, 32 units total and we went through all of the process. And nothing significant about this other than one of the benefits that it affects this project is that having gone through that level of site plan approval, we have really been able to vet SEQR. So we know having designed the entire property what the issues are under SEQR and so we can use those issues that we dealt with once this passed to apply to this project. And they -- they are clearly drainage, traffic and the adjacent uses.

The reason I say "adjacent uses" is because we are always cautious and respectful to our adjacent neighbors. And fortunately, on this project, we're only limited to the neighbors to the

south, but you can imagine if this was in the middle of another piece of land, we would be in a fishbowl surrounded by -- by neighbors.

But to show you a little bit more than the outside of the reach of our project, I have an aerial photo I will put it up just to show you what is going on around us and so this is our parcel here (indicating), and this is the railroad tracks (indicating) that you can see.

These are our neighbors here (indicating) that -- Don (Riley) and Brian (Powers) have been trying to meet and knock on their door. The parcel to the west is vacant. Parcel to the north is the railroad tracks. Across from the railroad tracks is the Town park. There are some residents here in the corner that abut on the other side of the tracks and this is the RG&E substation which is not sexy for any development to be next to.

So just to show you around the horn and -- the reason I say that again is the significance to us is that what -- what is going on, how do we treat our property boundaries, our setbacks, so if buffering is an issue under SEQR, if we're trying to be respectful, that should show up in our drawings. And so it will.

Third thing I want to talk about is zoning. And I -- I -- I elated to under the introduction this is done by special permit. Under the special permit, our attorneys, as you can imagine, have been talking about this definition of convalescent home. And so I was trying to equate back to how -- how do we discuss that issue.

And so, you know, there is a word called "cool." When I say, "Mr. Cross, you're a really cool guy," does that mean that you're cold or calm and collect? Or if I say, "I bought this pen and it's really a bad pen." But it's really a good pen.

So if we have all that going on in our language, why can't convalescent home mean senior home or rest home? If you buy all that, which I hope you do, because it's true, that it -- a word that defined a residential type of use in your code can become antiquated, but it also can be assigned to a new meaning. So let's just call it senior housing and what level of it is.

What is really cool about this, is if you know the Legacy product, the Legacy product is not just one building and one level of seniors. The Legacy product is a continuum of care for multiple different phases of seniors. And I can't put any -- any -- there is younger seniors and there are older seniors. Younger seniors don't want to live in one big building with doors off the end of an aisle. They can live independently in a townhome or an apartment.

And older seniors may need care and that's where the assisted living comes in. And Mark IV is really -- at the epitome of their game and no one around them that can offer independent living, assisted living and extended/memory care. And so when you think about this Legacy project, and the product that they offer, you really can't think about it without -- with just the main building. It is the entire project.

And so part of my job is to show you how this -- this portion of their product, the cottages, is really a -- and truly part of the overall project. And so let me just take a minute and try to do that.

The reason why is that we have to fight back those that might say, "Well, this is just a townhome project that you're trying to squeeze some lots in next to the building."

You could put that argument out there, but it really isn't. That is why it is important to A, look at what Mark IV has done in their other development projects. This is not just a new idea we had some land left over and they squeezed in some townhomes. This is how they do it in their other projects. They do it because in order to provide that level of continuum of care for independent living, assisted living and memory care, you have to provide a different level of product. It's not just all in one building. And those different facilities offer different things for those people and those different levels of care, and that is the Legacy project. I mean, that's what Legacy really means.

I will leave it to these folks who deal with it every day who can answer questions for us, but -- so let me talk a little bit about the function.

I guess I really did that already. The younger seniors are more independent than older seniors and thereby require different type of a building product, but for the operation side, you know, along the discussion of connecting these townhome buildings, the cottages to the main building, um, there is a lease to this building and so how can we prove to you that these aren't independent townhome projects? Well, the lease -- the lessor is the same person that is renting to a person in the 109 units to in the 28 units. It's the same entity. We don't have these two different companies going on. We have one entity leasing to the entire area.

The provisions within the lease give the people in the cottages rights to access the building. There is a reason why. You wouldn't have that in the other -- if it was just a townhome project. The lease provisions allow for services that -- that emanate from the original main building, that include medical care and services, housekeeping and laundry and meals. So we're really trying to tie the services together, and you might need some but not others.

Lease provisions for the cottages also offer enrollment and allow participation in the Legacy community events. So there is daily, weekly, monthly recreational activities. You know, the bridge game. You could go there and get your hair done. You can see somebody to take your blood pressure. All this is going on between these units. You can come there for meals. There is cultural events, Halloween parties, birthday parties. And then religious holidays.

You can go there -- my mother was in the Villages and we would go there, they would play the piano and sing Christmas songs. It was adorable. But that's how it is done. And that's what -- the same privilege is afforded and allowed with the cottages because they're not separate.

So those are some of the soft things, but let me give you some of the hard things that make sense here.

If this was a separate townhouse project, it would be financed separately, so we would be striping a subdivision line down between the properties. We purposely didn't to show these are connected. The connectivity is an important aspect of this project.

And finally, access. Someone may argue that well, you provided the second means of access so that you could have independent access to the cottages. That's not really true. Remember, how I described the uniqueness of this property and the configuration of this parcel boundary, you have to run a road through east to west somewhere to get to the other side. Well, you saw the property, the development that we had in 2004 where it only had one driveway coming in and that's great. But on a project this size, we need a little bit more emergency access, and yeah, we can talk about and you will hear that all of the time, but really what we need is a second means of access because when -- when the train cuts across that road and the traffic backs up, there is no access to this property and that we cannot have.

And so we really -- when we looked at that, when we did the traffic study, we realized that we really need to have two means of access. So much so is that Don (Riley) and Brian (Powers) were out trying to talk to -- and offer to try to connect the Chili Animal Hospital in their side roadway so they don't have to come out on Chili Avenue. It's just an offer. Seems to make sense. But that road is going to be and for a really good reason. Why not try to get another benefit for it.

So that is just my discussion on zoning. Let me just take another minute here and put in the zoning proofs for the -- for the special permit standard, and this is where you can see that we have had a chance and have knowledge of the SEQR issues, because most of this is geared towards SEQR.

So the first item for standards under special permit, preserving and protecting the existing environment. This property has been cleared. However, we do understand and respect the fact that along our south property line, we have neighbors and so you can see that we have made an attempt to buffer and screen that.

The other thing that I think is important, there is a rendering here of the buildings, but this is a one-story building. Residential type architecture. We're not trying to make it look like a medical facility. In and around the area we have Unity, so it is not out of character of the neighborhood to have a residential-looking building, one story with similar medical intended use the nearby.

Drainage and storm water, well, we have got that figured out. We have storm water management areas all over the place. I won't get into it too much here at this meeting, but we know where they go and we know the water drains across the road. There is a 24-inch pipe that drains in right around here (indicating). We'll be directing all our water there. The good news to mention for the neighbors, if you live there, any water that comes down that property and sort of collects around your property line will now get intercepted, treated and taken off to the north -- or the southeast. That is our plan.

We have designed it before and this plan here, you will see that we have already accounted for it again. It is in the same place as it was on the last plan that we did. The contours are the contours.

Traffic access. I talked a little bit about that. I want you to know we did a complete traffic analysis. One of the good things we have going for us in doing the traffic study is this project will generate less than the project that was previously approved just based on its nature. But we did look at the Archer block and the Corridor Study that was done.

Since that time, when that traffic study was done, the traffic in this area has dropped between 3 and 6 percent. It is something that we're seeing County wide. There is a memo out from the County traffic engineer that this event is occurring. And so with us generating less traffic, the traffic volume in this area having dropped a touch and also having two means of access, we're not seeing there to be any traffic impact as a result of this project.

Next item is the parking. And for parking, what we did is from several projects that we done -- we have the benefit of Mark IV being a long-term owner and operator of these facilities and so we can count the number of units we have and the number of people's cars in the parking lot. Forget the stalls. So we can actually do an occupancy study to see what the requirements are.

It is about 70 percent. So that is how we set our figure. It's more than your code requires, but we have set our design up to provide visitor parking. You can see it is spread across the site. Even in the cottage area, we have enhanced parking areas in and around the townhome area.

Circulation is another standard. You can see that we have a looped driveway. But more importantly, we have sidewalks throughout. Both sidewalks will go down to the roadway and connect up with the sidewalks on the Town's property so that residents can come over to the library.

Landscaping and screening goes without saying. If you have ever been to a Mark IV project, they're one of the best at it, I have to say. Just go look at the Legacy. But, you know, we have to prove that to you. There is a requirement in the letter of credit to meet that. You know your Conservation Board is tough as nails when it comes to really giving you a good product. Mark IV wouldn't have it any other way so look for that to come in the next level of preliminary drawings. Of course it would be by a licensed landscape architect.

Number 7 on the list is character and appearance and I talked a little bit about having gabled roofs. You can see that we have dormers and one story, trying to match and fit in with the area.

Lighting and glare is also a requirement under the special permit. We will provide

engineered plans, engineered lighting. We're using in our office the new LED which focuses the light down. It is dark sky compliant. We're not trying to make this look like KMart. They did a really good job lighting their parking lot up. We don't need to do that here. It is really for safety along the access roads and the sidewalks.

Next is historic and natural resources. There are no archaeologically sensitive areas on the property, no rare and endangered species, no federal wetlands are present. Pretty much it's a clean and green site. Plus it's been cleared.

Number 7 is sewer treatment and water supply. That also goes on with number 11. Discharge of water. We talked about drainage already in detail. There is a water main along the front, hydrants are spaced. We are provided services by the Monroe County Water Authority and there is a sanitary sewer on the property which has capacity to serve our project. I will leave it at that unless there is any other comments.

12 and 13 are emergency services and fire hazards. I think our guys have done a really good job trying to make this connected access road 24 feet. It's not 20 -- really trying to make the access in and around the building. Um, and, you know, that it's part of us meeting with DRC to also get with the Fire Marshal to see if he has any needs or improvements to our plan. With it being one story, um, we don't think and we'll be able to prove that we need to get all of the way around the building. You can get to a lot of the site from Chili Avenue, on our site road and then we have a little special roadway in there to try to get in the corner. Whether we move the building or move that roadway to get in there entirely, we'll work that out with the Fire Marshal.

We don't have anything on the project that would propose to store fuel or any hazard materials, any propane, nothing flammable or explosive. No -- no tanks of that nature. And then there is no nuisance or objectionable conditions. This is a senior housing development.

Last two bullets is size and scale. I think we have talked enough about how unique this is, but one of the things that is required, if we don't go up two stories, is you need to sprawl a little bit. So you can see we are custom designing this building to fit this site.

But meeting after meeting, Mark IV is driven in our head they really want this front entrance to look nice and so that is why they brought a component of the building out to the front of the road. The split driveway. The landscaped entrance, the drop-off. It is real important to them to make a splash on that corner, plus it will really separate any of the residents from the RG&E substation.

And finally, additional safeguards and conditions, we understand that part of the Special Use Permit is that the Board in their level of comfort has reasonable conditions that may be set upon us. That is standard procedure and we look forward to hearing what it is that makes us both comfortable and able to do this project.

So with that, I'm going to turn it back over to Mr. Riley and we'll take over questions and answers and let --

MR. RILEY: Thank you. Very briefly, that (indicating) is a rendering of what is under construction right now on Maiden Lane in the Town of Greece near Tops. 20 years ago when we actually worked with Tops to develop that store, the Town required us to show -- there were seven acres left over and the Town of Greece said, "What are you going to do with that land?"

We said, "We're going to do senior housing." True to his word, 20 years later that is assisted, enhanced memory care. The foundation is coming out of the ground and Brian (Powers) and I, we're the field people. I think we're field people at heart. We have been working with the neighbors.

One of the things that we purposely do is, try to put our senior living communities in neighborhoods. They're not an institution. We don't want them next to a big parking lot. We want to be near neighbors and when some of you visited Park Crescent, you can see back up or back into a neighborhood and those neighbors help us. We want our property to be as attractive as the property that we're looking at, so we work with them very, very carefully.

The coverage as proposed is 21 percent. The maximum your ordinance allows is 30 percent. So by going one story, we -- we spread it out, but you can see there is internal courtyards that will be the place for our residents to be able to get outside and enjoy the benefits of the weather and also the creation of light. You will see the appearance, regardless what kind of treatment and enhanced treatment our residents are receiving, the residential inside and outside appearance is all part of the cure, we believe.

The impervious surface proposed is about 42 percent and your ordinance, all things being equal allows up to 80 percent. So we have pulled it back considerably already, John (Caruso) in the design he is working on. So we're more than happy to be -- to respond to any and all questions you have operationally.

Anthony (DiMarzo) and I were talking earlier, to give you some sense, especially our neighbors, those cottages -- rentals will start around 1900, \$2,000 a month. That is because they're receiving the enhanced amenities from the mother house, so to speak. No disrespect to the Sisters of St. Joseph intended, but they will be taking meals, as John (Caruso) said, interacting with the community. That's part of the cure. Believe it or not, medicine is important, but food is the center of people's social life when they come to a Legacy. It is where they check in. "How is it going? What kind of day have you been having?"

So the meals are critical. So the cottages in their leases will start around almost \$2,000 a month. Assisted living we go up to about \$3500 a month. That is in the licensed part of this. State requires staffing and on and on it goes. So that adds to the cost. Still way below nursing. Enhanced, even more treatment, is around \$5,000 a month or thereabouts. You could look at those numbers somewhat across the systems, if you will. But that is it in a nutshell and we

apologize for going on, but we wanted to be as complete as we could possibly render for you tonight, Mr. Chairman.

We do have photographs of the single-story townhouse that actually currently exists.

Are these Clover Blossom?

MR. POWERS: Yes.

MR. RILEY: This is Clover Blossom behind Mercy High School. I would be happy to pass them to the Board -- you want me to put them up?

PAUL WANZENRIED: Do you have enough for everyone?

MR. RILEY: We'll pass them around to your audience, too.

PAUL WANZENRIED: Either that or put one on the Board.

MR. RILEY: Those are the -- Mercy High School, believe it or not, is at Blossom and Clover Road. Years ago the thing that cut Clover Street in half was the railroad, so a little chunk of Clover Street is on the Mercy High School side. We're right behind it on their campus. Those are the cottages that are next to the Legacy. They're single-car garages. Those are living examples what is there now.

Anything else?

MR. DIMARZO: After following Don (Riley) and John (Caruso), I don't know what I can say here other than the fact that Mark IV is a little different than most other construction companies. The owners of Mark IV build for themselves, they own and manage every project that we build. I built a church and I couldn't own that, but I tried. We're very cognizant of our neighbors. It is very important to us that they're happy. If there are issues there, we would like them to contact us directly.

You know what? We do have a Legacy in every neighborhood so we're trying to get another one in Chili.

Thank you.

PAUL WANZENRIED: At this time I will open it up to the Board members.

MICHAEL NYHAN: Few questions on the cottages, if I could. Is there an age restriction on the occupancy for those cottages?

MR. RILEY: We can't discriminate by age, but we discriminate by function and operation. Some communities have asked us to do that and we can agree to it, but it is subject to a legal challenge. Senior citizens are -- no one except a senior or a senior citizen maybe with a younger spouse will move into those communities and sign leases taking the services and benefits of -- of the Legacy itself.

So practically speaking, it -- it restricts itself. We can't by fair housing standards discriminate by age.

We also have a situation here where those cottages -- and this is based on years of experience, is those are folks who have sold their house, they're done with having a home. They want to come and go, but they may be starting to need some enhanced attention. It may be simply help with their meds. Or it may be something much more serious. Dad may be starting to have some real serious memory issues. So mom will be able to live there and dad will be in the memory care and she will be able to visit him every day.

That model actually -- that actually is taking place at Grand Vie in the Town of Penfield right now. We have couples that come there and one starts needing an enhanced level of care. They don't have to be uprooted again. They're there, they can -- one spouse can stay put and the other can get the enhanced care.

It's not without its complications, but practically speaking, we try to avoid discrimination on age. We have had 50-year-olds who have had mild strokes who -- who wouldn't by any measure be considered senior citizens living in -- in Legacy, taking their meals. Maybe -- you maybe wouldn't know they had recovered from a stroke, but their families wanted them to be some place where they -- where there was a little bit of routine and reliability to their coming and going. So they were even at the independent level. Practically speaking, um, you're going to see it -- it -- it age in place all by itself.

MICHAEL NYHAN: Good. Thank you.

Each of the cottages are leased, correct, from Mark IV? None are them are owned by the occupants?

MR. RILEY: Yes. Yes. Operationally, every Tuesday morning at 8 o'clock, the favorite meeting for these two young ladies, the boss or Steve DiMarzo, who has primary responsibility on Legacy, myself and a couple others -- and I'm a real senior senior in that sense, both in age and maybe experience, we meet with all of the directors every single Tuesday at a different Legacy and this will be added. And during that couple of hours every Tuesday, we go over everything. And one of the things we discuss is occupancy, our sales.

We're going through a huge sales training effort now to -- to help the families decide. The decision to move mom -- John (Caruso) can attest to it having gone through it with his mom -- is -- is a real tricky decision because there may be multiple siblings. There may be siblings inside of Town, outside of Town and on and on it goes. So we have salespeople trained in how to work through that and get the house sold, get them moved, get them reestablished.

We'll even work with them to -- to have moving companies that put the pictures on the same shelves that they were on in the original house. We have people who can show them how to downsize their furniture, how to liquidate it, if you will, and on and on it goes. I mean, it's a -- there is a lot that is going to be going on over here for -- in the community.

MICHAEL NYHAN: The elevation, is that an accurate representation for this facility, the colors, the cupolas, the dormers?

MR. RILEY: Pretty darn close. Dick LeFrois has been our architect of record for many years, a good part of those 50 years, and Anthony (DiMarzo) challenges him to come up with designs that will pick up on the architecture of the community, achieve what he has to achieve with the realities of some of the larger internal operations, but yes, that's a pretty good representation as we get -- as we get those drawings done, we'll represent them in great detail as to the materials and everything else that is used.

But Parklands -- Parklands would be a good representation of the kinds of materials and style and design that we use. That is right in your own backyard. But you will know a Legacy when you see one by -- by that architectural look. It's -- it is supposed to be as -- as residential and still function as a big building at the same time.

MR. CARUSO: We'll pick the colors and put them before you and on the plans like you require in the next level of plan production.

MICHAEL NYHAN: Then just one last question on the cottages.

Would the lessee be able to sublet their lease?

MR. RILEY: No, no. No one assigns anything. We have hundreds -- would it be fair to say, hundreds of tenants, both commercial and residential. Sometimes when we're building apartments, we get asked that question. If you get near some of the towns that have a university, they get real nervous about that. We remove people -- we don't care what age they are -- although this could be hard -- Steve Hendershott got in trouble with a senior citizen years ago. I'm not going to. But these -- but these are expensive leases, and so we -- we keep order and they cannot assign their lease.

PAUL WANZENRIED: Thank you.

MR. EMENS: I guess just to go back to John (Caruso), I know you talked a little bit about it before. I was hoping you could expand on the traffic study and you pointed out some things I didn't see in the traffic study. Maybe I just glossed over it.

You looked at the two separate entrances and having a need for those because of how far the cars line up from the tracks and other things like that.

So if you could just kind of expand on that a little bit more. You're showing that -- this issue that you brought up about the County or the traffic percentages are down, you don't see any real issue, but you do think that the two are required?

MR. CARUSO: Yes. We -- first of all, several years back, we were -- we authored the Archer Block Corridor Study which then went into, I think -- the County did the study along Beaver Road and that corridor, and we have been able to look at both of them and look at the traffic that we projected back then which did or didn't develop, but still looking at the base volumes.

You know, when it comes to this project, we didn't see any of the traffic that left this project that entered the Archer Block Corridor or the corridor -- I'm not sure what they call it, but it's Beaver Road.

MR. EMENS: Ballantyne Road.

MR. CARUSO: The Ballantyne Road.

We didn't see where any of our traffic ever really was measurable to that study. Because since then, the volumes on the road have dropped down since that study. So if there was a difference between our base volumes, not even putting the projections on them, it went away, evaporated. But nonetheless, from other studies that we have done, when we did the 2004 plan of the 32 units there, um, straight up, that projection is less -- or this development has less projected traffic than that one and that one had the higher based traffic studies and there was really no issues on the local roadways.

So we're looking at traffic impact, as you know, with the traffic studies and we're looking to go see do we need to do any improvements or enhancements as a result of this project and my statement is we didn't see any. But what we do feel -- that because of a condition that is not a traffic study but through observation, that when a train does go by, it can block off that one entrance. It's not a single-family residential subdivision any more. Now we have a senior memory care type facility and we need a back door to it. So that is what precipitated that second access. Sort of the justification for it.

JOHN HELLABY: Just to clarify, the way this thing was submitted tonight, are we asking site-related questions or steering away from that tonight?

PAUL WANZENRIED: I would steer away from it tonight as this will be back before with a more complete site plan.

JOHN HELLABY: As far as operational aspects then, I guess if you could just touch briefly on security/how you cover -- I mean, I'm sure the neighbors are a little bit concerned, but what happens if mom walked out the back door and was found wandering up and down the other side of Chili Avenue?

MR. RILEY: Absolutely.

JOHN HELLABY: If you could touch briefly on that.

MR. RILEY: Since Jennifer (LaFountain) just went through the licensing and is now operational, fully operational, I think she can tell us what the State requires and how she operates Cranberry at -- Legacy at Cranberry.

Come on up.

Jennifer LaFountain.

Use your Cranberry Landing address.

MS. LAFOUNTAIN: Jennifer LaFountain, 300 Cranberry Landing Drive.

So there are three levels of care. Well, there is technically four levels of care in my

building. We have independent. We have assisted traditional. We have enhanced and we have memory care.

The most concerning, of course, in the planning is memory care and keeping those folks secure and safe. So the way that we manage that is all of our doors are alarmed, and in memory care specifically, we have delayed egress. It's a 15 second delay. So if folks are trying to go out those doors, we have alarms set up so that our staff can respond to that and make sure they're secure and safe.

That being said, everybody in independent, assisted and enhanced can come and go as they please. But again, all of the doors are secure and we have staff there 24/7 to kind of maintain the safety of our residents and where they are in relation to the community and our neighbors.

So they're constantly under supervision.

JOHN HELLABY: The only way an outside individual can enter your complex is through what, one main door in the front?

JENNIFER LAFOUNTAIN: That's correct. We have one main door at the front. People come in from the front door. They need to sign in with the reception desk. That being said, we're only manned by reception 8 a.m. to 8 p.m. Then all our doors lock externally and they have to use a code to come in. The only people that have codes are the residents or their family members. If they don't have a code to come in, they need to dial the emergency number or the Supervisor on call and those people allow any visitors in after hours. So we're constantly supervising who is in and out of the building.

JOHN HELLABY: I also notice at the main entrance, the door opening on either side is labeled differently. One is the Dementia Care Unit and the other is the assisted or enhanced care. Are those areas completely separated as far as people coming and going; they can't intermix within inside the building?

MS. LAFOUNTAIN: That's correct. They're secure from each other. The people who require memory care are separated from those that have just traditional assisted, enhanced or independent.

JOHN HELLABY: Now, have you had any conversation with the local ambulance crews or anything as far as -- the unfortunate problem is I know these things got a lot of use from local ambulance services and so on.

MS. LAFOUNTAIN: Yes, absolutely.

JOHN HELLABY: I would think that most calls, these guys would come in there without the sirens blaring, waking up the whole neighborhood.

JENNIFER LAFOUNTAIN: Exactly. So specifically in my recollection, um -- and again, we have the two separate levels of care. Um, our independent folks -- we -- we have pull stations in all of our units so our staff can respond 24/7 to those pull cords. People respond. If they're independent, the people that are in charge, we -- we can't --- we can't physically interact with anybody that is independent as far as care goes. So they will call an ambulance. They will assist the ambulance and the Fire Department, whatever needs to be happened. If it happens to be our licensed folks, we look at the situation and kind of triage it more or less and we allow the ambulance people into the building as needed.

So we're -- so we're constantly aware of the goings on and what needs to happen as far as care goes and who is addressing our residents.

JOHN HELLABY: I guess the only other question I have is turnover rate or ratio. Do you -- I don't know, you might know, but what the actual turnover is?

JENNIFER LAFOUNTAIN: As far as residents?

JOHN HELLABY: Yes.

JENNIFER LAFOUNTAIN: I -- I think the national average is 30 percent per year is the -- is the turnover. That is in independent living. That being said, you know, I have been in the industry for seven years. Um, and turnover can be high. That being said, with the continuum of care, the turnover can be not as great because we can care for people longer. We can give them the extra love longer rather than sending them off to the next place.

So I see turnover being less than that 30 percent number that is kind of typical nationwide. I think our goal is to decrease that and keep people in their homes for as long as possible.

JOHN HELLABY: Thank you.

PAUL WANZENRIED: The -- you said that they would be coded in. Are they only coded in -- anybody after hours, after that 8 p.m. time is coded in. Are they only coded in at the front door?

JENNIFER LAFOUNTAIN: That is correct.

PAUL WANZENRIED: Or coded in any other door?

MS. LAFOUNTAIN: No. Just the main entrance.

PAUL WANZENRIED: The main entrance?

JENNIFER LAFOUNTAIN: Yes.

PAUL WANZENRIED: Okay. When -- at what point do you apply for licensure for this facility?

JENNIFER LAFOUNTAIN: Well, there are two phases of licensure for the Certificate of Need. The first phase, I think, would happen soon. The second phase, after we have the building under way, that involves all of the policy and procedure, our plan for the programming, staffing, all of that. That is the second phase of the Certificate of Need.

So I -- so I think the -- the -- the -- the ideal would be to do that sooner rather than later because it is a very long process. Personally, we applied for our Certificate of Need in Irondequoit probably two years ago for our Part I. We -- we were given the go-ahead for our Part

It around November of 2014 and we're granted our licensure in June of this year. So it -- it's a long process.

PAUL WANZENRIED: But the facility can operate without -- as long as the application is made; is that my understanding then?

JENNIFER LAFOUNTAIN: The independent portion of the facility can. We cannot provide services, hands-on service. We can do meal prep. We can do housekeeping. We can do the 24-hour kind of supervision onsite. We can't do any hands-on care until our operating certificate is granted to us.

PAUL WANZENRIED: Okay. All right. Great. This would be more -- what is your tentative start date for this project?

MR. RILEY: Um, if you give us all approvals tonight, we'll start tomorrow. Anthony (DiMarzo), do you -- Anthony (DiMarzo), a ball park idea of your construction schedule, all things being equal?

MR. DIMARZO: Yes. We'll -- we'll -- the important thing is to start making the application as fast as we can. But Number 1, we have to have approval, zoning. Once we get that done, we'll make an application the same day, because we'll anticipate obtaining it. Generally it will take us about 12 to 15 months to complete the main buildings and probably 18 months for the whole project.

PAUL WANZENRIED: Do you start the main building first?

MR. DIMARZO: Yep.

PAUL WANZENRIED: That's constructed and then -- the outlier buildings are constructed after that?

MR. DIMARZO: That's correct.

PAUL WANZENRIED: The next thing, you offer shuttles onsite, off -- off, to and onsite?

MR. RILEY: Yes.

PAUL WANZENRIED: Are they your shuttles or you just call in Apple Transportation or RTM?

MR. RILEY: We have done it both ways. Some of our sites have transportation, equipment. Grand Vie has equipment. But all residents under their lease with us and -- and the main building -- we have to think of a better term than "motherhood" or "main building."

MR. CARUSO: You might want to call it the main building.

MR. DIMARZO: Main building.

MR. RILEY: They are by virtue of leasing with us, living with us, we provide them transportation, personal transportation multiple times a month and oftentimes they will go if they're -- if they're ready to do it on Tuesdays or whatnot, to Tops or Wegmans on outings, we provide that transportation.

If you're in the cottages, obviously nice weather, a stroll may accommodate it, but we'll go out and pick people up and bring them to -- to the meals. We deliver meals. We do -- we fulfill our side of the bargain, I can assure you.

What happens is the folks who come into the cottages will be the ones who aren't ready for the move. And somehow the kids or someone who loves them say, "I can't worry about you in the house. I can't get over to shovel the snow. I can't -- I worry about you when there is bad storms. I need to know where you are."

And pretty soon they're seeing all of the fun is in the main building. And they transition. They will go from there to there with some alacrity. You will be amazed.

The challenge Jennifer (LaFountain) spoke of, though, and, Mr. Chairman, I'm glad you raised, is the generation we're servicing now, are waiting longer than my generation and the generations behind me to make those moves. And the average age across the country is 82. That's the average age. If they -- if they made it a couple years earlier, they could probably be in independent living longer.

There seems to be a -- a real psychological boost when you move out of the -- the isolation of living alone and into a community. You just watch it. We're not creating it. I guess we're creating the presence, but it is amazing. So they -- they will -- we provide transportation for their comings and going. We also don't want them driving. No one wants some of these folks driving.

PAUL WANZENRIED: One more question. Staff overnight in the facilities, how many?

MR. RILEY: Memory care -- speak to that.

JENNIFER LAFOUNTAIN: Assisted living requires a 20:1 ratio safely. Enhanced assisted living and memory care require 6:1 ratio. That is supervision staff and LPNs.

PAUL WANZENRIED: On -- overnight?

JENNIFER LAFOUNTAIN: Onsite. Yes.

JOHN NOWICKI: I have two areas I want to ask a question on right now. Video camera systems throughout the entire project and the other area would be fire systems, alarm systems in both the main building and the cottages.

Is that something that is going to be part of the project?

JENNIFER LAFOUNTAIN: (Nodded.)

MR. CARUSO: You have to say "yes" so she can record it.

JENNIFER LAFOUNTAIN: Okay. Yes. I didn't know if somebody else wanted to speak on that.

So we do have camera systems for the sake of surveillance and safety of staff. So it's just to -- and to guarantee the safety of the residents, as well. Not for necessarily watching what they're doing, but to -- to guarantee safety and ensure that.

Fire suppression, um, I can speak for my building specifically, we have a wet and a dry

system, both hooked up to our fire annunciation control panel and it's operated by a Simplex, so it is constantly being monitored by both staff and Simplex.

JOHN NOWICKI: Cottages would have something similar?

JENNIFER LAFOUNTAIN: Yes.

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

DAVID CROSS: Just one question more regarding the convalescent facility. I would guess there is potential for lot of deliveries, materials coming in and going out. Could you speak to that?

And particularly the noise, the back-up alarms, time of day.

MR. RILEY: Stay right here. We control our deliveries. We control when they're made and what time they're made and how they're made and even the size vehicles.

You will notice from the design that John (Caruso) has presented all of the activity on the north side of the building along where the railroad is. The entrance, the HVAC, the refuse and how it goes. We -- we're -- how can I say this? The people who live with us are -- are the first ones to hear noise and disruption so we have to deal with that.

Jennifer (LaFountain) can tell you how she operates Cranberry. Cranberry is on Norton Street near the expressway. We have neighbors behind us and next to us and across the street from us. She can speak to her deliveries and -- we control it, though. If it's a problem, we don't like what time they want to deliver something, we can tell them when to deliver it.

MS. LAFOUNTAIN: Sure. I think the most frequent deliveries, most likely at our building at this point are from the pharmacy that we work with. It's just a simple regular passenger car, not very loud. They make three deliveries a day, the latest at 11 o'clock at night, but it really doesn't disrupt anybody.

We do occasionally have shipments for -- for foodstuffs from Palmer and Sysco, other -- other places such as that. But it is done during the day and it's not very disruptive and it is not very frequent. Once a week.

DAVID CROSS: This is not a loading dock?

JENNIFER LAFOUNTAIN: No. We don't have a loading dock. Just a simple service entrance.

DAVID CROSS: Okay. Good.

MR. RILEY: Before Jennifer (LaFountain) steps aside, she -- she's been through this and so we -- we take real good care of her because she knows how to get a license with the State. Most of what the State requires is really good stuff. It just -- it just takes so long.

The other thing, though, that we do before we even thought about licensing is -- is Anthony (DiMarzo) has challenged Jennifer (LaFountain) and the rest of her -- her leadership to be significant members of the community. That means a lot of things. But we reach out to the Senior Centers and we love to be voting locations. We love to have art shows. We really love to have community activity.

One of the most important things our directors do, and the State would probably require me -- you can tell me -- I somehow avoided that whole thing, the licensing, is we drill with the fire agencies. We drill with the ambulance. We do it the way they want us to do it. And the Fire Districts each have an approach, a personality how they want the response and we do it the way they want it.

But rest assured, Anthony (DiMarzo) responds to emergencies, I respond and everybody else responds. But we drill, we train internally, we take it very seriously. We're one of the first senior communities that went smoke free and that got some howling, but we needed to do that for practical reasons. We got kickback from some of our residents, but their families thanked us for it. So we take the safety and the securing the building deadly serious.

ERIC STOWE: First comment with no age restriction, what is -- and the special permit for hospital, rest, nursing and convalescent home, and I know Mr. (inaudible) addressed how this fits into -- the rest home in the business model.

What is to prevent a family of my age with a young kid doing the math and saying, "Well, it is X amount of dollars per month. It makes sense for us to go there and have access to meals."

How do you insure that it retains that use so that it is a permitted use and it is not a townhome project next to an assisted living facility?

MR. RILEY: So you want to move in -- how old are your kids?

ERIC STOWE: Not with my three-year-old.

MR. RILEY: I have four-year-old twin grandchildren.

ERIC STOWE: That is my concern, how did you make sure it stays within that special use or to tie into the care provided for -- you know, we look at the definition of rest, a place where people who are old and without the age restriction, how does it shoe horn into that use and stay there?

MR. RILEY: Well, practically speaking, it never happens. That doesn't -- that doesn't -- to a statutory scholar, it doesn't give any solace, but I don't think we can discriminate. I don't think the law -- you could probably tell me, but the -- if the law allows you to discriminate -- but I don't even know if somebody challenged it whether we could refuse to -- to lease. Practically speaking it doesn't happen.

So I think we have to work in the world of practical. We're not playing bait and switch here because we don't want -- we don't want -- I mean, that is a -- that's a real programmed approach we take towards providing housing and meals and housekeeping and recreational activity and it would be disruptive. If somebody wanted to challenge it, I guess the Town of Chili and Mark IV and -- and Legacy would be in on the same lawsuit. Communities sometimes

throw age restrictions on -- for that purpose. I mean, if -- if -- if you think you could do it Constitutionally, we don't have any objection to it, but we don't want to be on the discrimination end -- end of that question.

ERIC STOWE: I understand it. It's just when -- when the whole -- the whole use is based around the services that are provided, and there aren't services -- there are some services being provided understood --

MR. RILEY: Could you challenge -- what the Town could do is challenge the special permit, and if it was -- let's say Anthony (DiMarzo) sold out to Jennifer (LaFountain) and Elaine (Matthews) and they said, "Hey, let's -- let's lease to anybody that comes down the street."

I do have a special permit. And I used to take the position, that if I granted it, I could ungrant it. I -- I could take Elaine (Matthews) to State Supreme Court and say, "You're violating the special use permit." And could you create some language in the issuance of the special permit that allows us to not be caught this a discriminatory act and still protect the Town? And we would accept anything reasonable like that.

ERIC STOWE: Okay. That was my only question.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAUL ENSSLE, 3390 Chili Avenue

MR. ENSSLE: Paul Enssle, E-N-S-S-L-E. I own 3390 Chili Avenue, the lot back they were calling vacant is my backyard actually. I'm just wondering how is this going to affect my privacy in will there be any barriers or anything? The way the map looks, it is right against my whole backyard.

PAUL WANZENRIED: Which one are you?

MR. ENSLEE: All of the way to the left. All of the way over.

MR. RILEY: Far west lot line.

PAUL WANZENRIED: You're the big lot?

MR. ENSLEE: Yes. Yes.

MICHAEL NYHAN: Behind Rague?

MR. ENSLEE: It is all my property.

MR. RILEY: What is shown on there, if I may, Mr. Chairman --

PAUL WANZENRIED: You may.

MR. RILEY: What is shown on there is quite a bit of -- it's a treed area now.

MR. ENSLEE: Yes.

MR. RILEY: You probably have a substantial amount on your line, too.

MR. ENSLEE: Yes.

MR. RILEY: We're not going to touch anything we don't have to touch.

Now, do you have any structures along there?

MR. ENSLEE: No.

MR. RILEY: Wide open?

MR. ENSLEE: Yes. Just some trails going through my woods, nature trails and four-wheeler trails.

MR. RILEY: We don't want to impinge upon you at all and vice versa.

MR. ENSLEE: Okay.

MR. RILEY: We would be more than happy to work with you as they do the landscape plans along there. So there are no structures or anything like this?

MR. ENSLEE: No.

MR. RILEY: Any good tree stands?

MR. ENSLEE: Yes.

MR. RILEY: You have them picked out already?

MR. ENSLEE: That is my only worry there, if I lose all my privacy.

MR. RILEY: We don't want to touch any of that back there at all. What will be bordered along are the cottages.

MR. ENSLEE: Okay. And there will be trees left in between?

MR. RILEY: We will not touch anything we don't have to.

John (Caruso), can you speak to that at this point?

MR. CARUSO: Well, I -- I'm taking notes. This is public input. I'm trying to see where we can enhance our site plan design. We are going to take it to the next level soon, but as I see right now, we are preserving a tree line along the westerly boundary so exactly what you're speaking to is what we're proposing.

MR. ENSLEE: Okay. I wasn't able to make that out.

MR. CARUSO: That's okay.

MR. RILEY: You may have some pretty mature stuff along here?

MR. ENSLEE: Yes.

MR. RILEY: In good shape?

MR. ENSLEE: Yes.

MR. CARUSO: What we do know that comes off your property is a significant amount of water, coming on this one. We have to deal with it to get it over to the other corner. Right now I think it runs between that building and the residents' area, that sort of makes their property soggy. So we'll be looking to capture that, dry up their yards and get the water over to the southeast.

MR. ENSLEE: Yes. I actually get water runoff from the housing track over to the other side of my property, running right through.

MR. CARUSO: Yep.

MR. ENSLEE: They're a little higher.

MR. RILEY: How many acres?

MR. ENSLEE: I have a little over ten.

MR. RILEY: You get a little old, we'll rent you a cottage.

PAT JENDREAU-PICKERING, 3378 Chili Avenue

MS. JENDREAU-PICKERING: Pat Jendreau-Pickering, 3378 Chili Avenue.

J-E-N-D-R-E-A-U, hyphen, P-I-C-K-E-R-I-N-G.

My biggest concern is putting in the second driveway between my property and the Animal Hospital. Um, I would really like to see the traffic study that was done to say that there is less traffic in our area. The traffic on Chili Avenue is horrendous. We have it from the church. We have it from the Animal Hospital. We have it from the units. And we have a lot of traffic coming from -- from North Chili.

And one of the reasons they're talking about having two different driveways is because of the train and the traffic being backed up. Unity is right across the street. They have one driveway. That has a large dialysis unit with a lot of people in there. There are Medical Offices in there. They only have one driveway. We couldn't have a fire truck get into our driveways when the cars were backed up. And the number of times that they're backed up is not that often. Even when there isn't traffic backed up from that, we can sit on our driveway for five minutes to get out into the traffic on Chili Avenue in the area we're proposing.

I looked at this. They're looking at 164 parking spaces, talking about the garages and all of the garage -- if everyone has a car. You got to believe the people in the cottages will be taking that west road in and out. And now we're talking about a significant amount of traffic coming in and out of there. Even delivery trucks. Will delivery trucks be allowed to go in either entrance? Or will they be limited to -- to the one on the east side versus the west side? Back even to the traffic with the train, um, we couldn't get a fire truck or an ambulance in our driveways if, in fact, that was backed up and we had a need.

So I would like very much to know that in the Town of Chili, in this section of Chili Avenue, that, um, it is less traffic.

The other issue, and I brought this issue up when we did the church. I brought this issue up when we did Unity. The 40-mile-an-hour speed zone does not start until the middle of my front yard and traffic. As soon as they hit the railroad tracks, they're doing 45 or 50 miles an hour. And we have had a lot of near accidents with people going in and out of Unity, because of the cars traveling that amount of speed. So the whole issue of that second driveway and the added traffic, um, is a big concern, not only for me, but for my -- for my neighbors. We have already -- we have already discussed it.

Another question I have, and I think they said the storm water management facilities, are those retention ponds? Is that basically what -- what those are?

MR. RILEY: Yes.

PAUL WANZENRIED: Yes.

MS. JENDREAU-PICKERING: Those would actually be retention ponds. Are the retention ponds maintained relative to bugs? I mean, we're looking at one right behind our property line. I mean, we had a terrible time this year with that outlay back there, with standing water, even without any construction. So the concern is having retention ponds that are around the neighborhood with the possibility of additional bugs and especially mosquitoes. So if the ponds are actually maintained so that they're clean water.

The other concerns is the lights. One talked about putting a buffer behind residential homes and leaving a lot of the mature trees that we already have. A question on the trees. What happens to a tree that is -- is growing down the middle of a property line? Who owns the tree and who can say whether that particular tree can be retained to keep that buffer? The buffer -- essentially -- I'm as concerned on the back of the property as I am with the buffer on this extra road that is going to be going in. What -- how much of a buffer is there going to be and will there be an impact of the lights, because it looks as though several of the -- on the drawing, which thank you very much for bringing this -- this was very helpful to us to have a preview of this before tonight -- the amount of lights that are there and what is going to happen if we don't have a buffer on the lights coming into our homes.

Again, with Unity, Unity told us one thing when they put in Unity across the street. Then they put in all -- all of the lights on the outside of the buildings and all of the lights above the parking lots and at night it is like a full moon all of the time with the lights.

So again, what is the amount of the buffer that would be in the back relative to any lighting? And again, especially the traffic, not only the volume, but the speed of the traffic is really my biggest concern.

Thank you.

PAUL WANZENRIED: Thank you.

MR. RILEY: Mr. Chairman, it has been a rough year for mosquitoes, but I can't imagine there would be more mosquitoes there than right now on that land with some -- with sometimes stagnant water? The detention/retention, again, look at our retention/detention ponds at any of our communities and you will see how they're maintained. They are maintained very, very well.

And once again, unlike Unity, we'll have people living here. These aren't people that work in an office and then go home at night. If there is lights bothering the neighbors, there will be lights bothering our residents, too.

We will work with the Planning Board and also the common sense and our neighbors, with their backyards and with -- with the buffer line. Miss Pickering, I haven't walked along the entire line yet. I haven't and would love to, with you and any of the neighbors, but one of our neighbors here indicated that sometime they planted some trees and they may be technically on our property. We -- we don't take trees down that don't need to be taken down any more than you do. So -- so it benefits us. So when our residents look out their windows, your way, that they look at nice stuff, too, and we'll work with you on that.

Unity doesn't have anybody living there. So at night, I don't know why they light it all up for security purposes. At night our folks will want to go to sleep like you, too, and I think we can be a pretty good neighbor.

So the use -- is the use generally acceptable as -- as -- as we're showing it?

MS. JENDREAU-PICKERING: I don't have a problem with the use because I'm very familiar with the whole environment. With my parents -- and I'm very involved in the Chili Senior Center and I know a lot of the seniors from the whole community. The concept of the program, of being able to go from leasing the apartment and going to assisted and potentially the enhanced and the dementia, the whole concept is great. I just don't want the driveway next to my house.

MR. RILEY: I think --

MS. JENDREAU-PICKERING: And the traffic.

MR. RILEY: I think we may be able to design -- well, we'll come down. We'll come down and work -- well, Brian (Powers) and I will work directly with you.

RUTH HERMAN, 3364 Chili Avenue

MS. HERMAN: Ruth Herman, 3364 Chili Avenue. You mentioned at one point that the water from his property will be going to the southeast end; that's me.

MR. RILEY: We have to stop it from getting to you. Unless you don't want us to.

MS. HERMAN: No. I'm just curious. There is a retaining pond at the front of your building, and then there is a stretch of land that is not mine, it's yours, but it affects me because it is always low land and it is always flooded and it affects my house. I get flooded every time it floods and I don't see anything there that is improving that section. You got a pond over here where it is high land, but this is all low land. So if he is adding to it, plus -- you know, I was just curious what you will be doing, that little section in there.

MR. RILEY: We'll show you and design it --

MS. HERMAN: Because it definitely affects everybody.

MR. CARUSO: We designed that once before, and the way we did it was with underground pipes.

MS. HERMAN: That would be wonderful.

MR. CARUSO: That's why you don't see the pond near your property. We put the ponds in certain areas and the outflow from one is piped over to the other one.

MS. HERMAN: Because the mosquitoes is definitely an issue.

MR. CARUSO: Don (Riley) had a really good point. You might think that ponds will breed mosquitoes, but that whole property and the -- the development of it -- this is something that we see in projects, in addition to people talking about their -- their properties being wet, usually when we develop these properties, we put drainage systems in that work and so when it rains, it doesn't saturate the ground and every 9, 10, 12 months, these properties start to dry out. And I think that you will all start to see that once these engineered solutions have time to work in place.

MS. HERMAN: I had it inspected by the State and the pipe that goes under the road is high on my side and the land is down here. The water never gets up here to go away. So that is an issue --

MR. CARUSO: It comes from across your corner.

MS. HERMAN: Doesn't come across. Just sits there and then comes up to my basement. My backyard is like 2 feet under water.

MR. CARUSO: Imagine that water not coming there any more because it is cut off by a storm system that comes around.

MS. HERMAN: That would be great if you put a storm system in. We're really all affected.

MR. CARUSO: That was one of the benefits of us working with Mark IV on this property is --

MS. HERMAN: I'm excited.

MR. CARUSO: -- we already looked at the last issues with it.

MS. HERMAN: I just don't want to be flooded more than I am.

MR. RILEY: That's fair.

MR. CARUSO: As far as the lighting goes, if I could just add, the really good question about the lighting, the back of this building might have a couple of lights near emergency doors, but it is not the commercial intent that you see across the street. Totally two different uses. They're trying to eliminate the parking lots in their buildings because they are a medical facility and it looks great when you shine lights on the brick. Don (Riley) had it right. We're trying to let our neighbors sleep. We just need a little outside security lighting, but there is no reason for us to put any lighting poles or street lighting near your property lines. As a matter of fact, about putting a road and the parking lots on the north side, the building will block all your view of that. And we don't have to have our poles being above the -- the peaks of the roof. They will be below

it.

So you will be -- this -- I can't wait to hear what you say about this -- the -- the lack of noise from the trains, because that building will block that noise.

MS. JENDREAU-PICKERING: The trains don't bother me.

MR. CARUSO: What? What did you say? (Laughter.)

That's all I had to add.

MS. HERMAN: They're not blowing whistles until they're down further.

DAVID SCHWAB, 3374 Chili Avenue

MR. SCHWAB: David Schwab, 3374 Chili Avenue. We all seem to kind of have the same concerns. We're worried about lighting. I mean, it's -- there are no window treatments dark enough to sleep across the street from Unity. It is just brutal.

The traffic is ridiculous. We're very worried about the traffic. If there is 50 some employees out of there and -- every day plus deliveries, plus residents, that seems to be a lot.

And, of course, water. Like we're all saying. Our yards are a lot lower than any property almost up there, except for what is next to Ruth (Herman) here. And that's -- I don't know how you're going to get all of the water away from our yards. It all seems to just funnel to us.

MR. RILEY: Well, right now, it travels unimpeded, except by flora, fauna, whatever runs around back there. It -- it is unimpeded. And your mom was showing me the other day, we're going to keep -- we're going to intercept that for the purposes of the cottage, the main building, the landscaping, the road and it certainly will take significant amount of water away from just coming unimpeded toward you.

MR. SCHWAB: I'm not asking you to improve my backyard.

MR. RILEY: Stranger things have happened when we have done stuff. We're also not wanting to over promise and not deliver. John (Caruso) thinks he can make quite an improvement there.

MR. CARUSO: Just the absence of the water not coming there, because we'll cut it off and pick it up, will be a huge -- even if we don't change the grade in the area, if the water doesn't get there any more because we have done an improvement to intercept it, you will notice that will dry up.

MR. SCHWAB: There was a creek back there one at time that went all of the way from their property, through behind ours and dumped into Ruth (Herman)'s yard, but that -- when they cut the trees down, it kind of chewed up that whole area. Now all of the water just comes in our basement.

MR. RILEY: Well, we'll -- we'll -- since we're going to be your neighbor, we'll -- we'll become, I think, a good neighbor.

MR. SCHWAB: I -- I can't disagree with the project. I can't tell you what you can and can't do back there, but I just wanted to have our concerns heard, the lighting, the traffic and the water.

MR. RILEY: Thank you, David (Schwab).

PAUL WANZENRIED: The application will be tabled until next meeting.

We do have someone here, the gentleman from the plaza wanted to speak to the Board. This has nothing to do with the Mark IV application. Totally separate.

MR. CARUSO: So can I close out -- make a closing statement?

PAUL WANZENRIED: You want to make a closing statement? I'm not closing the Public Hearing.

MR. CARUSO: Right.

PAUL WANZENRIED: Go ahead, John (Caruso).

MR. CARUSO: So I just wanted to close out with, you know, where we're going next. We're going to table the application. We're going to submit an application for preliminary site plan so that we can get these two applications joined, if everybody knows what I mean by that. So next meeting we'll -- we'll also be making a submission of some additional information. We'll submit the traffic study if you don't have it and all of the technical stuff. We would like to ask you to submit, if you have not already, the 239 K submission to the County for routing just so that you can do SEQR on the special permit. We would like to see -- our goal is to try to get a preliminary approval, SEQR and special permit. That has some really big issues with our land deal.

It will allow us to start SEQR -- Tony (DiMarzo) and Don (Riley) were both trying to tell you in order to do their application for the State for the CON, Certificate of Need, they need that Town approval. So we would like to get there with you next month and then we can go in one more month and come -- we're not trying to rush it. We need to give you what you need to have. I just wanted to coordinate, you know, what our expectations are from each other, but we -- but we need you to be able to have that response back from the County so you can act on SEQR.

PAUL WANZENRIED: That is my understanding.

MR. CARUSO: Yes. Ours, too. Thank you very much.

PAUL WANZENRIED: All right. Gentleman from the plaza, please approach the podium. Let us know what is going on over there.

MR. KUSKIN: Hello, everyone.

DAVID LINDSAY: Mr. Chairman, did you vote on the tabling? The application?

PAUL WANZENRIED: I didn't close the Public Hearing.

ERIC STOWE: It would just being tabled with the consent of the applicant at this time?

MR. RILEY: Sure. Could I ask -- and any -- I don't like -- he wrapped it up so nicely.

Could I ask, is it generally -- is the concept generally agreeable to the Planning Board for purposes of now moving to preliminary and so on and so forth? And certainly, if the -- if the -- if the concept is acceptable, then we certainly have no objection to the tabling as John (Caruso) outlined and as Chairman said.

Thank you. Thank you. And thank you for the amount of time you have already put in on this. It is going to be a good project. Thank you.

PAUL WANZENRIED: So now I have the -- I have the applicant's consent.

ERIC STOWE: Good. Thank you.

MR. Riley: Thank you.

PAUL WANZENRIED: Thank you.

DECISION: Unanimously tabled, by a vote of 7 yes the above described application until the October 13, 2015 meeting for the following reasons:

1. Application is incomplete. Further information is required.
2. Monroe County comments have not been received.
3. Other approving agencies input necessary for approval not complete.

Michael Kuskin was present to represent the Chili-Paul Plaza.

MR. KUSKIN: How is everybody doing?

DAVID LINDSAY: Mr. Chairman, just for the Board's purpose, we have asked this gentleman to attend tonight's evening meeting to bring the Board up to speed on some of the improvements they're making to the plaza over there. Although nothing required any sort of approval by the Board, we asked him to come in as a courtesy to answer any questions and kind of bring you up to speed on the improvements they're making.

PAUL WANZENRIED: Yes. That is my understanding. Appreciate your time.

MR. KUSKIN: Michael Kuskin, K-U-S-K-I-N. I wanted to come regardless and communicate, you know, progress, where we're going, everything that has happened.

This is only my ninth week being here. I know you guys have probably -- the last time heard enough rhetoric, enough promises, and other things that, you know, may or may not have come to fruition. So I wanted to let my actions speak louder than my words.

First week I came here, I met with people from the Town and I said, you know, this plaza at its base deserves new asphalt. Which I know you wanted for a long time. Naturally. I mean it was -- you walk it -- better name would have been like Patchwork Plaza. It was totally insufficient. And I promised that that would be happening.

That was -- that was easier said than done. Plaza is fairly old. There has been -- between age, neglect and, you know -- before me, abuse to the -- to the structure. I didn't want to lay any Band-Aids on gunshot wounds. I'm an ounce-of-prevention-more-than-a-ton-of-cure kind of guy, and I'm -- in a situation where I probably have to apply about 50 tons of prevention. If I lay down asphalt on top of what was happening structurally, it would have been a better Band-Aid that wouldn't have lasted.

You see I have been very busy in that plaza, completely updating the entire underground infrastructure completely. So that it is as current and as efficient and -- and as -- as good as it can be so that when I lay down the asphalt, it will last.

And asphalt is starting tomorrow. I've -- obviously I'm working against the timeline of the cold and the snow, so I had to hit the ground running with all this work. Obviously, I think you can imagine, I'm, you know, laying out quite a bit of money to -- to get this done ahead of -- ahead of any loans or any financing or anything like that, because I believe in this plaza.

I believe in its potential. I mean, it is just unrealized potential to me. It's in a position in Town where it is like the -- central of Town, and it -- the center of Town, and it deserves to finally reach its potential.

At the same time, because all this work is happening simultaneously, it does give some benefits and some luxuries, which includes improving and optimizing, you know, pitch, the grading, the systems, all of this simultaneously so that going forward, everything hums.

I -- I can go down a long laundry list of work, of improvements that we're doing that I think you're aware of them. But they are not insignificant. They are comprehensive and it is a massive investment in -- in the property and I -- I believe the Town. I think it's going to be a wonderful thing for the -- for the community.

PAUL WANZENRIED: So you will start paving?

MR. KUSKIN: Tomorrow.

PAUL WANZENRIED: Tomorrow. You anticipate paving the whole lot?

MR. KUSKIN: Um, I would say the entire lot, um, but probably not the back side, the rear side.

PAUL WANZENRIED: The north side, the north face?

MR. KUSKIN: Yes, until the spring. It might be a timing issue. It may be that there is, you know, some work I would like to do there, but that's the least traffic spot, so everything else, yes.

PAUL WANZENRIED: So you will get it striped, as well?

MR. KUSKIN: Uh-huh. Yep.

PAUL WANZENRIED: There is debris in the back on the north side. Will that be taken care of?

MR. KUSKIN: Absolutely. Absolutely. I wanted to, you know, share -- share my vision so you -- so you know what is coming, and that when you see it executed, you will know that I followed through.

PAUL WANZENRIED: Okay.

MR. KUSKIN: People -- people I think don't appreciate the fact that Paul Road is -- is very heavily trafficked. I think two-thirds, um -- two-thirds of the traffic that Chili Avenue has. Um, so I'll be rebranding the plaza and calling it two fronts. I want to treat the other side as -- as -- as a front. Have tenants that are on the other side. You know, not seemingly be the back of a building. You know, treat it like a front, give it that same level of dedication. You know, aesthetic appeal, signage, all of that. That -- that this side has. And that this side will have continually improved --

PAUL WANZENRIED: Will you do that to the Bill Gray's building, as well, carry that theme through?

MR. KUSKIN: Absolutely.

PAUL WANZENRIED: So stucco and same color scheme and stone veneer?

MR. KUSKIN: Absolutely.

PAUL WANZENRIED: Do you plan on putting sidewalks back around there to get that walkway to connect, as well?

MR. KUSKIN: Yes. These are all things that -- like I had said, of the luxury of doing these things at the same time is they can all be integrated and coordinated so that things -- it is all comprehensive and not piece-mealed.

And I -- I want to -- I want to give you an example of -- you know, I'm presented with decisions that I sometimes have ten minutes to make, and it can be, you know, a six-figure decision in ten minutes. Um, and I told you that I would put down the pavement. I didn't realize at the time that it would cost me probably 2 1/2 to 3 times more to do so than I thought at the time.

So that with the timing of the cold, and I don't want to waste a year, um, the whole front area over here, where you see a lot of -- have a lot of infrastructure fixes that were required. Um, and there was -- I mean, under -- under asphalt you should have 12 inches of compacted stone, binder. You would hope for 3 inches of asphalt. I mean, most of that area, that was 1 1/2 inches of asphalt with dirt underneath. Just dirt. I mean, not a solid foundation. That had to be addressed.

You see me hauling away dirt and putting in stone. Um, that's a significant thing for that size. And, you know, there were -- along -- along -- along the while, fixing, all that stuff, I would get a lot of comments that would say, stop -- stop the bleeding. Stop the bleeding. Just fix it and get out. But, you know, I don't like that. I say, I don't want to stop the bleeding. I want to control the blood flow.

So I actually decided to invest more into it and create a larger area of solid foundation so that additional -- additional commerce can go in there, so that there be, you know -- not just -- not just maybe a pad site, but more business, more -- you know, more strong -- strong tenants, a healthier tenant mix.

The idea here is that anybody can go up to this plaza, whether they're a kid or -- or a senior citizen or anything in between and there is something for everybody to do. You know, from -- from -- whether it's a clothing store, or restaurant or anything in the middle. The idea is to appeal to anyone in Town and have an upscale to nice tenant mix that people go there and you walk around and, you know, you discover. You just don't go to one place and leave. You walk around. That is -- that is the idea. That is what we're going to do.

And I'm not rushing to -- too hastily. I will get tenants -- because I would be selling the plaza short with all of the work that we're doing. Um, you know, people are -- there is already -- there is already as much interest without seeking it as I would imagine, so I -- I truly will, truly believe -- you know, my mantra is "go team" and I truly believe that what we're doing there is going to be great for -- for the community and I think -- I think it's a long time coming.

And I know that, you know, something like a brand new roof, which we all know is very costly, for the entire building -- not Bill Gray's building, but the other building, which I'm doing right now, we know that that is a major expenditure, but that is not anything that -- that a regular, you know, consumer that would walk by cares about.

PAUL WANZENRIED: We understand that.

MR. KUSKIN: But it is something that tenants care about. I'm trying to show that it is something that, you know, I want to make sure everything is as strong as possible. Um, but -- I know that the -- the asphalt is without a doubt the most in-your-face, obvious thing that anybody would come and say and note that that is -- the tide is turning. This place is finally going to be what it was intended to be. It will maximize and reach its potential.

PAUL WANZENRIED: Great.

MR. KUSKIN: I just wanted to come by and let you guys know that that is the rebranding, that is the complete vision.

PAUL WANZENRIED: Okay.

MR. KUSKIN: You don't have to take me at my word. You can just see the actions.

PAUL WANZENRIED: Any comments?

MR. EMENS: I think it would be worthwhile to mention, when you talk about this plan and moving forward, obviously, the improvements you're making now, as we all do agree is a big

deal and important, but a few of us are still working on -- there is a group that is working on the Chili Master Plan and there are some things that you may find of interest, and I would encourage you to look at that as we close that out this fall, our consultant.

MR. KUSKIN: Absolutely.

MR. EMENS: I think you could be a major -- will be a major component helping make that come true in the future.

MR. KUSKIN: I -- I enjoy any open correspondence all of the time. I would love to hear everything. When I say "go team," I mean it. You know?

PAUL WANZENRIED: We appreciate you coming in and --

MR. KUSKIN: I appreciate you hearing me.

PAUL WANZENRIED: -- and letting the Board know what is going on over there and a keeping us apprised. All right? Thanks. Appreciate it.

MR. KUSKIN: Thank you, gentlemen. Appreciate it.

The Board further discussed the plaza situation.

The 7/14/15 Planning Board minutes were approved.

The meeting ended at 9:07 p.m.