

A meeting of the Chili Planning Board was held on January 13, 2004 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 Don Faso.

PRESENT: Ray Bleier, Dario Marchioni, Karen Cox, James Martin, John Nowicki and Chairperson Don Faso.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Daniel Kress, Director of Planning, Zoning and Development; Larry Nissen, Town Engineer; Charles Robinson, Conservation Board member; George Barnett and Fred Trott, Traffic & Safety Committee.

Chairperson Don Faso 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 Childtime Childcare, Inc., 21333 Haggerty Road, Suite 300, Novi, MI 48375 for renewal of conditional use permit to allow a day care center at property located at 4201 Buffalo Road in N.B. zone.

Mike Turnquist, Tina Pigler and Sherry Dawson were present to represent the application.

MR. TURNQUIST: Mike Turnquist, the Director of Facilities with Child Time and Tutor Time Learning Centers. Our headquarters is based in Novi, Michigan.

DON FASO: This is for a renewal?

MR. TURNQUIST: Yes.

DON FASO: There are a couple of things that have struck me as I was going through and reviewing the application.

On your letter; on your Town environmental assessment, Number 6, "Describe the project briefly, Child Care Learning Center is primarily for children newborn to five years of age." I have seen --

MR. TURNQUIST: It is through 12.

DON FASO: Are you amending that officially? The reason I ask that is because I live in the Mayflower Subdivision and I see a lot of kids waiting for a school bus and they're older than five.

MS. PIGLER: Tina Pigler, the area manager of the center. I have been with the center since it opened. I think -- originally when we opened the building, um, eight years ago, we -- it actually was for six weeks to five years old, and so what they probably did is copied the other one. It really should be up to the age of 12.

DON FASO: Counselor, there is not a problem with amending that?

KEITH O'TOOLE: No.

MS. PIGLER: Good.

DON FASO: 12 years of age?

MS. PIGLER: 12 years. Yes.

KAREN COX: That has been there longer than eight years, hasn't it?

MS. PIGLER: 1995. It opened as Play Care.

DON FASO: Because, actually, I came off the Planning Board in '95 -- it was approved before that. I can't remember what it was called.

MS. PIGLER: It was Play Care Child Care.

KAREN COX: That is where my kids went.

DON FASO: I don't remember the year it officially opened, but you have been there for eight.

MS. PIGLER: I have been with the company -- the original company of Play Care in 1989, and Child Time, 1997 is when they brought Play Care, January of 1997.

DON FASO: One of the things that the Planning Board has to base its decision on is personal knowledge, and I will state that I have personal knowledge because I do live on Lily Pond in Mayflower Subdivision, and I have a concern. I have noticed this since I have lived there, and I have lived there a number of years. I'm going to request that you buy a stop sign and have a stop sign installed at the end of the driveway. The reason I say that is because when I come out, heading towards Buffalo Road, the parents that are dropping kids off -- I know they're not the sheriffs because the sheriffs generally stop and look for traffic, but parents might be running late. Kids have a habit doing that parents.

MS. PIGLER: As it comes out of the parking lot there?

DON FASO: Yes. They think that they're still on a driveway, and they do not look, and they just come right out into that, and I don't want an accident to happen.

MR. TURNQUIST: We're a tenant at that location and we'll make a request of the landlord.

DON FASO: I made a request that the landlord be present.

DANIEL KRESS: I passed that along by means of a phone message, but did not get a follow-up phone call.

JOHN NOWICKI: Who is the landlord?

MS. DAWSON: Dr. Stein, but he has a Property Manager that -- Sherry Dawson, the director of the center.

DON FASO: Who is the landlord?

MS. DAWSON: Dr. Stein.

MS. PIGLER: He is from Syracuse, New York.

MS. DAWSON: Larry Chamberlain is the Property Manager. He is the one handling all of the issues with the center.

KAREN COX: Is he local?

MS. PIGLER: They're both out of Syracuse.

DON FASO: So someone comes from Syracuse if there is a maintenance problem?

MR. TURNQUIST: We take care of maintenance with our own interior and the exterior, things that are his responsibility he takes care of. So there is a shared responsibility.

DON FASO: One of the other things I have a concern is, is the children waiting for the bus. I know you have approached Mr. Kress about making some alterations to that. Can you explain to the Board what your intent was?

MR. TURNQUIST: Waiting for the bus?

DON FASO: No. To alter --

MS. PIGLER: What we wanted to do was make it so it was safer for the children. We were trying to at the end of the one parking lot to have that be an opening that went out into the Mayflower surrounding, so that way when the bus came in, it could drop the kids off at the center and go out that way because it is too difficult for the bus to turn around. We were looking to do something safer for our children coming on and off the bus so we didn't have to wait down by the end where parents don't always stop.

DON FASO: As a resident, that is one of my concerns, too.

MS. PIGLER: That is one of the things we were trying to do. So I guess -- I think it resolved it was something that couldn't be done.

DON FASO: Well, I will take issue with that. I think it can be done. I have talked to counsel about that. It is actually a curb cut from private property onto a Town right-of-way. That is a dedicated Town road.

KEITH O'TOOLE: That is my understanding, Mr. Chairman.

DON FASO: We will pursue that, but if you're willing to do that, I think that would be best for you and your staff and the children that attend that day care. Because I have personally seen -- they're not not supervised, but I have seen occasions where the person that is out there is attending to a child that may have tripped or done something, and they have their back turned on the rest of the group for a

split second, and in that split second something could happen.

KAREN COX: That was something when my kids were going there that we were asking about even -- probably four or five years ago.

Who would be paying for that? Is that something --

DON FASO: The landlord.

MS. PIGLER: It is actually the landlord.

KAREN COX: Is he open to constructing something like this?

MS. PIGLER: When he first took over the lease of the building, when he first took it over, that's something we did address with him because it was our concern as a -- as Child Time. And so I think what happened is that -- it kind of got squashed and it never -- that is the way it ended. But he did listen to us, and he did, um, get some information and try to get it to go through and got with an architect or -- whoever to try to take out the piece so that it could become, you know, out -- so the road could go out.

DON FASO: If that can't take place, have you looked at an alternative layout of the existing parking lot for traffic flow?

MS. PIGLER: When we first talked with the landlord, we did. We said maybe cut away some of the parking lot so it can make a round-about turn.

DON FASO: Have you talked to the school district?

MS. DAWSON: Yes. Actually we spoke to some of the bus drivers that drive on the routes and they said that they -- they were all for it. They were willing to do, you know, letters, basically whatever it took to get the driveway, the extension.

DON FASO: Typically, if the school buses are going to travel on private property, which this is, the school district requirement would be that the landlord or the property owner sign a hold harmless. Has that been discussed with the landlord?

MS. PIGLER: I would probably say no, it has not.

KAREN COX: How can you figure this out?

DON FASO: That is one of the reasons I requested the landlord.

MR. TURNQUIST: Much of this is out of our control. We can make the request. We don't own the site.

DON FASO: We realize that.

KAREN COX: Can we make the request as the Board to --

DON FASO: What?

KAREN COX: That we want him to be looking at these types of issues?

DON FASO: The Chairman of the Planning Board, and the Chairman of the Zoning Board have pseudo subpoena powers. I can compel the appearance of witnesses. I don't have any jurisdiction or penalty phase to do that, so it is kind of a moot point, but I can table or withhold putting this on or making a decision until the person that I compel to appear is here. I don't want to hold you up. I mean this is a renewal, and you're operating a fine establishment and these are just minor details in my mind, but I think they need to be corrected. I think any time the Planning Board can make a determination to improve the safety of an operation like this, it would greatly enhance the operation and our peace of mind.

DON FASO: You will notice along your fence there is a guardrail. That was at our insistence.

MS. PIGLER: The trees that are there, as well.

DON FASO: That was something that we insisted before that got, you know, a C of O. So I mean we just -- we would like to cover our bases.

MR. TURNQUIST: Is there something we should do in the interim until a decision can be made?

DON FASO: I will not recommend tabling. I will recommend that we, you know, renew it and if the Board has any other conditions. We might put some conditions on it, but I do want it followed through.

KAREN COX: As long as we're on the subject of issues with the landlord, I have got something I can bring up from personal experience. Has the handicapped entrance or the handicapped ramp on the sidewalk ever been fixed? When we were going there, they cobbled one in, and right now, you

know, the grade is like this (indicating). A lot of times I saw parents coming in on days like today, and falling, and -- you know, at certain times, the director had to close off that ramp because it was so dangerous. I actually had sent a letter -- I believe it was to the Town Board requesting --

MS. DAWSON: I haven't had any problems.

MS. PIGLER: I actually think when you go straight in, it does go straight. There is a pitch going into the door.

KAREN COX: I'm sorry, this is out by the -- the part out by the parking lot. When it was first built, there was no handicapped ramp put in.

MS. PIGLER: There actually is. In the sidewalk, there is a -- I don't know what you call it, but there is -- there isn't like you have to lift a chair up over it. There is a ramp.

KAREN COX: Then they put a ramp in, but --

DON FASO: The grade is too steep?

KAREN COX: Yes, to ADA standard. They just cobbled one in.

MR. TURNQUIST: She hasn't noticed any problem.

KAREN COX: You know, to be honest, I haven't been by there lately to see if it was fixed, but it must be it has.

DON FASO: I assume there is a certain percent of slope for ADA requirement on a --

KAREN COX: 12 percent.

DANIEL KRESS: No more one inch of rise for every 12 inches horizontal. 20 is actually what it is preferred for exterior accessible ramp.

DON FASO: This was put in after the fact?

KAREN COX: Yes.

DON FASO: Did they get a permit and did it get inspected?

DANIEL KRESS: That predates me. I will be happy to look into it.

KAREN COX: There was a time when I almost went -- you know, slipped and fell on it because it was so steep.

MR. TURNQUIST: We haven't had any complaints, but we'll take a look at that.

KAREN COX: Again, it is nothing that you can -- it is a landlord issue, unfortunately.

MR. TURNQUIST: Right, right.

RAY BLEIER: How many children do you have there on a daily basis?

MR. TURNQUIST: Right now there are 95. The licensed capacity can be up to 151.

RAY BLEIER: Is there a sign up there? I didn't see a sign when I was out there. You know, the notice of meeting.

MR. TURNQUIST: There was. We put it up before the end of the December.

DON FASO: I think I did see it.

RAY BLEIER: Maybe with the snow last weekend, I might have missed it.

DON FASO: 95 up to 150 you said?

MS. PIGLER: 151.

JOHN NOWICKI: What is the connection between the applicant's name Child Time Child Care, Incorporated out of Michigan and Hilton Enterprises, Inc.? What is the connection?

MR. TURNQUIST: Hilton Enterprise is --

DON FASO: Is it on the Planning Board application?

MR. TURNQUIST: Is that through the landlord?

DON FASO: Is that your d/b/a?

MR. TURNQUIST: No.

MS. PIGLER: Is that the landlord's maybe? Because he is the owner.

KAREN COX: Is that the landlord's company?

MR. TURNQUIST: That is the landlord's company.

JOHN NOWICKI: So Hilton Enterprises is the landlord?

MR. TURNQUIST: Our legal staff filled this out.

DON FASO: Well, the address of this is 4201 and this is 3535 Buffalo Road. Nowhere near Hilton, but I can't picture --

KAREN COX: It has a 716 number and 594 is North Chili.

RAY BLEIER: It seems like it is an old copy. They copied it from something.

MS. PIGLER: The building --

MR. TURNQUIST: It was Myra Hall in our group back in Michigan filled this out back in July.

MS. PIGLER: You don't happen to have the prior application, do you, to see if it is the same company, because I'm just wondering if when we recopied, maybe we just assumed it was the same?

DANIEL KRESS: We have it back in the file in the office. We frankly had to call the people in Michigan repeatedly over several months to get this filled out completely and properly to get it on the agenda at all, so it wouldn't surprise me if part of this wasn't put together from prior applications.

KAREN COX: This was not -- it had a prior owner?

MS. PIGLER: Correct. Dr. Stein picked up the --

MS. DAWSON: Just before I got there, which was March of 2003, so it was just previous to March when he --

JOHN NOWICKI: Can we find out on the tax rolls who this property is owned by?

MR. TURNQUIST: Yes. I have a copy of the one that was submitted back in '98. And the owner at that time was Hilton Enterprise, so it was copied from the '98 one and put on the new one.

JOHN NOWICKI: That is not the owner today then; is that right?

MR. TURNQUIST: I can't be certain.

JOHN NOWICKI: Because if you're saying the owner is out of Syracuse, and --

MR. TURNQUIST: Myra did check that. She is in our real estate group and she submitted the application. They handle all of the leases. They take care of all that end of it. So I would assume that is correct then.

JOHN NOWICKI: I want to make sure. I mean, for our records, can we somehow make sure we have the right ownership here?

DANIEL KRESS: Yes.

JOHN NOWICKI: So we can address these issues of safety and find out who owns this thing and where they're located and get some phone numbers here and send them a letter and tell them we want to see them before the Board. We want to talk to them.

MR. TURNQUIST: I can send some follow-up verification, as well.

JOHN NOWICKI: Would you? I would like to know what is going on here.

That is the only question I have.

MR. TURNQUIST: Should I send that information to Kathy Reed like I did previously?

DON FASO: Yes. She is secretary to the Planning Board. Any questions you can direct towards Dan Kress.

DANIEL KRESS: Just for the Board's information, I was actually led to believe that an additional curb cut was not an option, so I did have some discussions with the gentleman from Sear-Brown regarding some very minor reconfiguring of the existing parking to allow buses to actually enter and exit. And we do have a plan that was proposed, and reviewed by my office, and approved if they wanted to proceed with that. So it seems like we have two possible ways of resolving that issue.

DON FASO: Okay. That is the landlord is -- I took a look at that. I drove around the parking lot, and there would have to be some major -- not major, but minor curb reconstruction to get a smooth traffic flow.

DANIEL KRESS: It doesn't quite -- they would be able to get in, and they would be able to get back out.

KAREN COX: Sure would be a lot safer.

DANIEL KRESS: If for some reason an additional curb cut was not an option, clearly an internal reconfiguration is, is the point I would like the Board to be made aware of.

JOHN NOWICKI: Wouldn't the school district want that to happen, too, if there are any school buses in there?

DON FASO: I would assume so. I haven't talked to the Transportation Department.

JOHN NOWICKI: I think we should call them and say --

KAREN COX: Would you ask which configuration would be their preference?

JOHN NOWICKI: Yes.

KAREN COX: Or easier for the buses?

JOHN NOWICKI: We have a couple proposals here.

JAMES MARTIN: Seems they could leverage the landlord, too, to take care of the problem.

KAREN COX: Do you think living down in Mayflower that a curb cut onto the street is going to get the neighbors concerned?

DON FASO: I really -- there are a couple neighbors here that live on Fox Tail with me, but I don't -- I can't answer that question. I think if they were concerned, they would be here, I don't recognize anybody other than my neighbors from across the street.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

EDWARD FOX, 4 Lily Pond Circle

MR. FOX: And my only problem is their buses. They ride over the lawn on Number 2. It is right on the corner there. When they come through, they -- Fantuzzo family is down across from you. They keep waking her up. She is an MS patient, and after therapy when she is sleeping is when the buses come through. There are six or seven buses that come through there during the day.

DON FASO: When I moved in, there were several students that were picked up at the end of their driveway, but there are no school-aged children on that street any more.

MR. FOX: We have one high school student at Number 13 Fox Tail and the bus pulls up to the driveway and he goes past it, he backs into our street. Then he goes back out. These buses all belong up to where they're at.

KAREN COX: But it is the issue -- to be honest, they ride over my lawn all of the time. You know, cutting the corner, and you know, I see that more as a school district issue than an issue for the applicant, and we have complained a lot.

MR. FOX: But my reason is, if they were -- if they went into that -- there is one bus that does go in there. He goes in the sheriff's driveway, around and drops off. We have seen it several times.

DON FASO: Long or short bus?

MR. FOX: Short bus. But just -- if he can do it, I don't know why the others can't.

DON FASO: I think a long bus might have a turning radius problem.

MR. FOX: Even that first street right past their driveway, they could turn in there and back out. There is clear visibility.

DON FASO: Buses don't like to back up.

MR. FOX: I know that.

DON FASO: That is why if we can figure out some sort of traffic pattern to get them off the public highway onto the parking lot where they can stop in front of their door and -- it is more convenient for the children. I mean they're not exposed to the elements.

MR. FOX: Nobody will have to walk down and stand by the cold driveway.

DON FASO: When my kids were school-aged, they used to stand in the window and look down the street, and when they saw the bus come is when they made for the end of the driveway. These poor kids have to stand in the elements until a bus comes.

JOHN NOWICKI: Can we get for our next month's meeting on an informal basis the information Dan Kress has on file and hopefully by that time they can notify the owner and maybe have someone present here to discuss that design concept, what we can do to solve the problem.

MR. FOX: That would be fine. I was hoping maybe there was some way they could cut down on that, that is all.

DON FASO: It is a public right-of-way. It is a public street.

MR. FOX: Public streets, there is no option there.

KAREN COX: But it sounds as if, you know, the applicant is committed to try to convince the owner to, you know, do even some parking lot improvements.

MR. FOX: That is fine, if he can do that.

KAREN COX: The school district I'm sure would support that with a letter, you know, because of the safety issue, so if we can facilitate that, so much the better.

MS. PIGLER: We would appreciate it.

DON FASO: Your operation is a benefit to Chili, obviously.

MR. TURNQUIST: Thank you.

DON FASO: We don't want to hold you up on it, but it is more of a landlord issue than anything

else.

JOHN NOWICKI: Let's get them in here.

DON FASO: What is the Board's pleasure? Do you want to table it?

RAY BLEIER: No.

KAREN COX: No.

DON FASO: It really won't affect you.

JOHN NOWICKI: I want a letter going off your Chair and going to the owner, if we can find out who the owner is and say we want him here next month.

KAREN COX: Because of issues that were brought up.

JOHN NOWICKI: Let's get it started and cleaned up. Get the school involved, too. Let's get the school involved.

DON FASO: I will make a call to the Transportation Department. Maybe I will actually stop in at Dan (Kress)'s office and we'll do a speaker phone and talk together.

JOHN NOWICKI: Sounds good.

DON FASO: On the letter approval dated April 28th, 1998, there are two conditions of approval. All playground equipment shall be within the fenced in area and, number 2, approved for a period of five years.

KAREN COX: The playground equipment is in the fences.

DON FASO: Yes. I was going to say that we'll keep that into effect.

Time limit?

JOHN NOWICKI: Five years.

DON FASO: Five years again?

RAY BLEIER: Same.

DON FASO: Renewed for five years. Condition number one of the renewal of approval from 1998 is still in effect. Anything else?

DARIO MARCHIONI: Should we put this in -- add another condition, and when it is done, we can remove the condition. This is pertaining to the bus and --

DON FASO: It is more of a follow-up on our part than anything else.

KAREN COX: It is really not an applicant issue.

DON FASO: But you have stated on the record that you're willing to --

MR. TURNQUIST: Oh, certainly. We can make some further communication with the owner, if it will help.

DON FASO: Could you -- if it is not on the tax rolls, because it could be a d/b/a, could you call Mr. Kress with the correct name and telephone number?

MR. TURNQUIST: Sure. I was going to give him my business card tonight. When I get back to our office in Michigan, I will verify that information.

DON FASO: I appreciate that very much.

It is a renewal, Type II action, so no environmental action is required, so we don't have to do anything on SEQR.

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

1. Install a stop sign at the driveway exit to Foxtail Lane.
2. All previous conditions are still in effect.
3. Renewal granted for a period of five (5) years.

INFORMAL:

1. Application of Byrne Dairy, 240 Oneida Street, Syracuse, New York 13202 for final site plan approval to erect a 4,000 sq. ft. grocery store with fueling facility at property located at 3771 Chili Avenue in N.B. zone.

DON FASO: The letter of approval granting preliminary subdivision and site plan approval, Number 1, was pending approval of the Town Engineer. Number 2, all fencing is to be cedar board-on-board per the Conservation Board approval. Fencing around the outside refrigerated pad is board-on-board preferred. All outside sales to conform to Town code. Applicant is investigating dark sky lighting. Consider protection of fuel pump, i.e. bollards, et cetera.

Christian Burnell and Rich Williams were present to represent the application.

MR. BURNELL: Christian Burnell, Director of Facilities and Real Estate for Byrne Dairy. With me I have Rich Williams in front of you tonight for the final site plan approval for the proposed Byrne Dairy at the southeast corner of Chili and Union. Last meeting we did receive preliminary site plan approval as Mr. Faso has read and the conditional use permit with the following conditions. What I would like to do, I have taken his letter and I would like to go right down through them, the six conditions. It is the easiest way and then I have some minor conditions.

Number 1, pending approval of the Town Engineer. There was a letter dated January 9th from Mr. Larry Nissen given to Mr. Faso in regards to that. I think we have met all his requirements. Him and my engineer have talked numerous times.

LARRY NISSEN: Yes.

MR. BURNELL: He did mention in some -- in his letter, Number 3, some grading is required on the adjacent parcel to the east which is owned by Mr. Keith Walworth. We suggested that the applicant submit a copy of their agreement with the adjacent property owner that allows the activity to occur to the Town. My attorney has talked to Mr. O'Toole briefly. We have presented a -- Mr. Walworth, who is in the audience tonight with a copy of the agreement. I went over it with him last Friday. He has not had time to get it to his attorney. He just got it to him and Thursday he is having a meeting with his attorney. I'm pretty confident we can work things out. If you want to ask him, that is -- feel free. We have the proposed area drawn out. It is on a survey. We're just working minor verbiage out with that. I would hope we could make it a condition tonight for approval. We're real close to having it done.

So that issue is resolved.

All fencing is to be cedar board-on-board per Conservation Board approval. As you will see on the plan up there, everything is cedar board-on-board. You had asked that the HVAC condensing pad and generator pad be some type of board-on-board. We made it the same spec cedar board-on-board and the wooden stockade fence and trash enclosure. Everything on the site that is a fenced material will be cedar board-on-board. We did that, and that is on the plan.

Fencing around the outside refrigeration pad is to be board-on-board. You can see that is labeled clearly on there.

All outside sales to conform to Town code. I called Mr. Kress. We had a conversation. We are aware of what is to be sold on the porch. We have no problems with that.

We will follow Town code.

Applicant to investigate dark sky lighting. Town of Farmington, Rich (Williams) did the research per Mr. Nowicki. That was the verbiage changes on the side. Over here (indicating) you can see we actually put them on the plan. I gave you cut sheets with -- a 20-foot light pole forward metal watt with light shield on the two drive entrances here and here (indicating). The yard lights per se here (indicating) we actually spec -- it is the same exact spec from those people, pulled right from the microfiche: 16-foot light pole with 1,000 watt metal halide fixture green briar reduced arm mount with glare shield. The same exact that they have there. The same exact wall pack. Wall pack with 175 watt metal halide light pressed glass, which is a yellowish glass. There are pictures in there you can see. That is LSI Eagle II. We actually inspected them so there is no confusion. A recessed canopy light with 400 watt metal halide. That is the same as Colette Road and 332 as you had asked.

Consider protection of fuel pump area. You had asked that we look into that coming off Chili because you had some concerns about people -- right here, you had asked about this little area right here (indicating). What we have done on the plan is you can see we put a 3-foot raised berm instead of bollards that we didn't feel were too safe. A berm, 3 feet high wouldn't be too obtrusive to the eye. You can see the landscaping will be bermed. So, therefore, you have berm from here all the way over

(indicating). I picked these four trees because of the caliper, 2 1/2 inch caliber. Right when you put them in they will slow something down. In a few years they will really slow something down. If there was a problem, which we didn't think there was, but I think we have addressed the issue.

KAREN COX: It will look nice, too.

MR. BURNELL: Yes, with the berm. We have addressed that issue. Those are all of the issues you had on.

Conditional use permit granted for three years. We clearly understand that. We'll have to come back in front of you. Hopefully it doesn't go like the Child Time one did, but we have made a few minor changes to the plan. Actually, not minor.

In my engineer talking to the Town Engineer, before the old plan, you could drive around the store, the south and the west side. This (indicating) used to be all pavement on the plan submitted two times ago. Well, due to the pre versus post calculations, we can't put any more water on adjacent landowners. We had to make this detention basin, storm water management area larger. In order to do that, we had to take away some of the pavement and the ability to drive around the store. It works for us. It is not a problem. We have increased the size of this which Larry (Nissen) has approved. In doing so, we just basically reduced that right back to there so you can just back in. It really didn't do much. Laying out the store we had to make a few changes because of that, but it didn't jeopardize the project.

DON FASO: Have you submitted calcs to the Town Engineer?

MR. BURNELL: Yes. This exact plan was submitted to him. Well, actually the lighting wasn't. It took us a little time to research that. He does have that. Everything is fine there. And again, that did away with the impervious surface which helped us with the size of that also, plus it is cheaper for us. The less pavement is better and tremendous amount more green space. In doing that, we have made this HVAC pad larger. It used to be 7 by 30 on the older plan. It is now 8 by 53, and the reason being, we're going to put a generator on there. All new stores we kind of have a company thing, we're putting emergency big generators that start up 60 seconds after -- if it is a blackout, it automatically kicks on. We'll never lose power at the store. All of the City of Rochester will be out of power, but we'll be running. Right now we do it in Old Forge.

DON FASO: When the power goes out and gas pumps are working, you better have traffic cops out there.

MR. BURNELL: Old Forge, Watertown, all of the stores we're doing this. It only happens with an act of God, but there has been quite a few of them. We find for the money, the investment to put it in there, especially with all of the dairy products in the coolers.

JAMES MARTIN: Would that power gas pumps?

MR. BURNELL: I have powered it. It will power everything. We tested it. The Ice Storm we tested. We have a portable one we bought and wired all our stores to this thing. If there is power outage, I throw it on the back of my truck and it powers everything. Wonderful. Never miss a beat. It is great for the community, too.

We have done that -- again, the pad is larger. In doing so, taking away from the ability to drive around the store, we have actually gained a parking lot because of that. Right here (indicating). Before we had seven parking spaces in front of the store. Now we have nine, but we lost one over here (indicating). So we have gained net of one. And again, we added some more landscaping, which we'll all be happy with. We have added that (indicating). We're mirroring that (indicating) with that (indicating).

KAREN COX: That may discourage some of the driving -- the people who want to try to cut the stoplight. You know, if they were going to maybe drive around the back of the store.

MR. BURNELL: We would rather have the parking spaces here. Plus there is no green space. We increased by net change of one.

We have increased the store. Before it was 4,096 square feet. Now, it is 4246. We have gained 150 square feet. And the reason we did that, if you look in the south -- it will be the southwest corner of the building, you can see that little jag. It used to be a porch over there. We have enclosed a small portion of the porch. When we were laying it out with the architect, we realized that because of the positioning of the back room and whatnot, we needed that space for bathrooms, so we have -- it is 150 square feet we added to the store. It did not touch the footprint one bit. We enclosed a 15-foot

section of the porch basically. That's it. That did affect the parking space. We're required to have 45. We still have 45. So I'm really glad we did gain that one. I recomputed everything down there.

Those are about the only changes that were on there. Most of it is verbiage. And again, here everything is verbiage along through here (indicating). If there are any questions.

DON FASO: I have a letter to the Board dated December 17th from County Traffic. "For the above-referenced project, I concur that proposed development will have no significant impact on the surrounding County highway system."

KAREN COX: Who is that from?

DON FASO: Tim Feeler (sic). Am I saying that right?

KAREN COX: Frelier. Yes.

DON FASO: That letter was dated December 17th.

RAY BLEIER: Curiosity question, on the plan where you're proposing detention, you have something called a micro pool with a four-bay. Those are new to me.

MR. BURNELL: That is -- the Town Engineer's --

DON FASO: That has to do with the new storm water quality.

MR. BURNELL: SW triple P. It is --

DON FASO: It is basin in a basin for sediment.

MR. BURNELL: So sediment stays on site and filtrates from one to the other. It started January 1st of 2003.

DON FASO: Ray (Bleier), as a matter of fact, and for the Board's information, at the last New York Planning Federation Conference I attended a storm water management seminar put on by State DEC and I do have some little literature. I will make copies for the Board.

MR. BURNELL: And we'll have to get a SPEDIES permit for this, anything over one acre you have to send to the DEC. You have to have notice of intent and then you have to get your notice of determination telling the DEC we're disturbing something. We have a book this thick that you can stop by the site at any time and the contractors must adhere to the erosion sediment control.

KAREN COX: That is the storm water pollution.

MR. BURNELL: SW triple P we call it. But yes, we are very aware of that. We have done them on all of the sites we have developed. We're aware of that.

JOHN NOWICKI: The architectural are the same, dormers the same?

MR. BURNELL: Same thing we submitted to you.

DON FASO: The first time they were in I had an opportunity to look at their store in Old Forge. Over the Christmas holiday I had an opportunity visiting my in-law in Fulton and I drove by the store in Fulton.

MR. BURNELL: Did you go in it?

DON FASO: No. I was pressed for time, but the outside is spectacular. It mirrors what we're getting here.

MR. BURNELL: Yes. It's better.

DON FASO: I went in the store in Old Forge. I did not get an opportunity to go in the one in Fulton.

KAREN COX: What was the schedule again? The construction schedule.

MR. BURNELL: As soon as possible. Literally. After I work things out with Mr. Walworth, Finger Lakes Construction right now is -- they're our architect and builder. They have this in their office right now. We'll have something real quick.

DON FASO: Unfortunately I was not here for the preliminary approval. What was the issue with the attorneys that needed to be worked out? You were saying --

MR. BURNELL: That is with an easement.

KEITH O'TOOLE: There is a common easement with the neighboring property owner.

MR. BURNELL: For drainage.

KEITH O'TOOLE: If you're going to artificially direct drainage on someone else's property, you need their permission.

DON FASO: Oh, okay. Thank you.

JOHN NOWICKI: The other question was, is this the first one for dark sky lighting?

MR. BURNELL: Yes. That is why I had to change my specs. We have a book -- believe me,

it is already made with the specs, but we changed it.

JOHN NOWICKI: Thank you very much.

MR. BURNELL: To tell you the truth, we'll probably go forward with it in other towns. For the amount of lights we have, it is fine. We don't want the neighbors complaining because, tell you the truth, if they complain, I have to go back and do it later. I wouldn't want to live next to something that has light shining on my house.

JOHN NOWICKI: Appreciate you going through the effort.

MR. BURNELL: Rich (Williams) went up. He found it. We had the wrong address. We have been by it 100 times. We know the site. He ended up back there.

JOHN NOWICKI: You're Byrne Dairy?

MR. BURNELL: Yes.

JOHN NOWICKI: Plumley Engineering?

MR. BURNELL: Yes.

JOHN NOWICKI: Who is representing Plumley Engineering? Is that just who you use all of the time?

MR. BURNELL: That is who we use for all our plans.

JOHN NOWICKI: Tell them they do a nice job.

MR. BURNELL: They put it on CAD. I design it. That is what I say. They do nice work. They worked with Larry (Nissen) nicely on this, I believe.

JOHN NOWICKI: I want to compliment you for the presentation all the way through this thing. You have done a commendable job in working with the community to bring to the community a very good project. Thanks very much.

MR. BURNELL: Not a problem. Hopefully we'll be in Chili for many, many years.

KAREN COX: I will be going for many years.

MR. BURNELL: We do sponsor a lot of baseball teams and soccer teams, so if you know anyone who is in charge of that.

DON FASO: Give me your card.

MR. BURNELL: Call me. I do that. We sponsor teams. In the Town of Albridge, my hometown, we sponsored ten teams. My kids go to school there. In Phelps, I sponsored five Babe Ruth teams. We actually donated I believe a couple thousand dollars to build the Babe Ruth field last year.

JOHN NOWICKI: How do you handle the management of the store here? Do you bring in people from outside?

MR. BURNELL: No. We'll hire somebody local. After tonight I will go back tomorrow morning and call the Director of Operations and say start looking.

DON FASO: Look through the resume drawer?

MR. BURNELL: Yes. We'll hire somebody local, hopefully.

JOHN NOWICKI: Does Byrne Dairy get involved in Chamber of Commerces local?

MR. BURNELL: Yes.

JOHN NOWICKI: I will get your business card.

MR. BURNELL: If you send something to me, I will respond.

DON FASO: Give me about four cards.

MR. BURNELL: I will. We have no problem. We like to support the community. The owner, Mark (Byrne), who was here, he has four kids. I have two, another one on the way. All of them play sports, so...

DON FASO: John (Nowicki) and I are on the BOD for the Chamber.

KAREN COX: My kids are excited about the ice cream. I'm sure we'll be going there a lot.

JOHN NOWICKI: Is that okay with you, Jill (Cory)?

JILL CORY: Yes.

JAMES MARTIN: Just a question. Your finished floor height is 558 feet.

MR. BURNELL: That's correct.

JAMES MARTIN: Looking at the contours of the property and being very familiar with this property, there is going to have to be a lot of fill brought in there to get to the elevation.

MR. BURNELL: There is going to be fill, but not as much -- I have argued this with people.

The back corner has to be brought up. In the front corner, it doesn't have to be brought up as much as you think. 3 or 4 feet is not a lot to us. 6 or 7 feet in the back corner is a lot. Yes.

JAMES MARTIN: Source of your fill.

MR. BURNELL: Proctor, Type II. I did the specs. It will be D.O.T. 201.6 or something like that. Runner crush. Geo textile fabric. If I had known it, I would have run a copy of our plans from Plumley Engineering. That thick (indicating). They have every detail manageable. It will be 12-inch lifts. I will be on site to spec it. We do not want our store moving. It will not move. We have it compacted. Parrot Wolf (phonetic), I don't know if you know them, they have a place in Rochester. They do a lot of compaction testing. Parrot Wolf (phonetic). They do a lot of testing, they're a big engineering firm up in Syracuse. They do compaction tests, each lift has to be compaction tested, has to be approved by Mark (Byrne) himself or the owner, 97 percent or sometimes 100 percent. We're very particular on that, believe me.

DON FASO: You compact to 100 percent?

MR. BURNELL: Oh, yes. We have made them stand there with a garden hose to get the compaction at the Fulton store. I was there. Because it is on slab.

DON FASO: Take the fine china off your shelves. That's a vibrating roller.

MR. BURNELL: They do a nice job with it. We don't want the site to move.

JAMES MARTIN: Because Town of Greece ran into a problem with a lot of fill brought in and it was contaminated soil.

MR. BURNELL: We don't do that. Everything has to have a proctor to it. Everything. We don't want that to happen to us. We have seen some sites like that. Just a -- to save \$10,000 now, ten years from now you will lose God forsaken amounts.

DARIO MARCHIONI: I don't have nothing, but just a comment to say thank you for choosing Chili.

MR. BURNELL: No problem. We welcome it. I am sure we'll be a great addition. I can promise you that. You have my card, so I have to.

GEORGE BARTNETT: The Traffic & Safety reviewed this and they thought that the site was beautifully designed, and I personally, from the Traffic & Safety, welcome this operation.

DON FASO: Mr. Walworth, anything to add for the Board?

MR. WALWORTH: No.

MR. BRIXNER: Take questions, John?

DON FASO: It is an informal, Jerry (Brixner). Do you have something simple? We're not going to redesign the project.

MR. BRIXNER: How many pumps will you have?

MR. BURNELL: Four.

MR. BRIXNER: And your goods you're selling, dairy plus convenience store type things?

MR. BURNELL: Yes. We'll have cereal to baby food, to convenience store candy, to any -- potato chips, everything you see in a Big M essentially.

MR. BRIXNER: A nice ice cream type fountain?

MR. BURNELL: A dipping stand there. Yes. You better believe it.

DON FASO: They have met all of the conditions for preliminary. Anything that you want to add for final?

JOHN NOWICKI: Waive final.

DON FASO: We can't waive final.

(Laughter.)

DON FASO: He wants Town Engineer approval.

That is on preliminary, so that is still on file.

RAY BLEIER: I think you can handle the situation with Walworth through Larry (Nissen).

MR. BURNELL: Actually I work through Keith (O'Toole).

KEITH O'TOOLE: Correct.

MR. BURNELL: Right, right through you, Keith (O'Toole).

KEITH O'TOOLE: That is correct.

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

1. Pending approval of the Town Engineer.

DON FASO: I wanted to tell you on a personal note that this is a top notch plan.

FOR DISCUSSION:

1. Dr. Robert Fallone - Proposed Planned Neighborhood Overlay District development at property located at 741 Paul Road.

Don Carpenter and Bob Fallone were present to represent the application.

MR. CARPENTER: The layout I just gave you differs slightly from the one that I submitted for discussion. What we did was, I'm trying to show some additional area for storm water quality and quantity, so we have gone some four areas here that I think are going to be more than enough to address the Phase 2 regs for the site, and also, what we're hoping to do is try to address some of the upstream existing problems that have been voiced by some of the neighbors.

You probably notice the mixed use buildings along the common line between the retail uses and the residential. The lower section is retail. The upper section is residential. And there are separate access points for both pedestrian, vehicles. The only change I'm showing on the layout is back to the two entrances, and one of the reasons for that is I spoke today with Dave Gehring from the D.O.T., and while he is not quite sure that this will require signalization, it is sort of a common element of highway design to try and -- both separate intensity of uses, and obviously the apartments will be a little less intense than the office could, you know, possibly be. And they like to have as many access points on the roadway as possible.

Now, that being said, he is going to require a traffic study. We're going to start with a traffic analysis, and that was one of Larry (Nissen)'s comments, as well. He recommended that we conduct a traffic study. So that will bear out, you know, what we can or cannot do with the access points on Paul Road. So we have gotten that underway.

This layout shows slightly more apartment units than the other layout. And it also shows a small restaurant. We had some conversations with a bagel shop that would like to be in -- down here and a drive-through bank. We're still proposing the office space, but it is slightly less than we were before. It is only 16,000 square feet of office.

I also wanted to just touch briefly on a couple of other Larry (Nissen)'s comments. The parking, I know it is not addressed on this plan, but I think it can be easily addressed with some additional parking along the ring roads, directly adjacent to the eight-unit buildings, and we would split that up so it is not any sort of concentrated parking lots of any nature. Just, you know, some parking right along the alignment of the roadways. We are not proposing to disturb any more than half an acre. The threshold for mitigation starts at a tenth of an acre, so obviously we'll try to be as close to a tenth of an acre or even below a tenth of an acre as we possibly can.

This layout, I have done away with two of the crossings. You will notice there is only one -- one road crosses the wetland. Because, you know, there is plenty of room, I guess, to kind of get around the wetland. The upstream side. I don't know that there is any getting around, crossing it down here (indicating). This seems like the most likely place. This area right here (indicating) is still sort of -- I'm still laying this out. I think we may try and do some more patio homes along this corridor. The location of the pond is -- it is not uphill, but it's not exactly downhill either. This is kind of an overflow, in case I need the extra storage volume. So this is a little bit in transition, but the main reason why we wanted to come here tonight is to get some feedback from the Board so that we can, you know, get --

DON FASO: Get some feedback. When I opened this up, I thought, you know, Faso made a comment about partial rotaries and I took a look at this and they're all over the place. I had to laugh.

MR. CARPENTER: You have to give the people what they want. But, you know, it makes for

a -- number one, it creates a sense of, you know, community, really. Not that I'm a landscape architect by any means, but it does kind of lend itself to sealing out the rest of the complex, and I guess that is, you know, one thing you're trying to do is sort of rope in each little pod that we have been referring -- we have been referring to these as pods. The other thing, I think it makes it a little bit easier to deal with the drainage.

You know, I think our approach is going to be to try to segment the drainage sheds, and deal with them as separately as we can so that, you know, the water quality doesn't become overwhelming. I don't know if there is really any other way we can do it. I don't know if the Board is aware, during the rezoning process we did have the DEC agree that it -- it is a federal and not a state wetland. And I was just talking to Bob (Fallone). I think in one of the response letters to the neighbors, one of the Army Corps officers concurred with the 6.75 acres of federal wetlands. Now, we still have not filed an application with the Army Corps. And we won't file an application with the Army Corps until we have an application to file. In other words, we don't -- until we have a final layout and we know exactly how many.

DON FASO: We as a Board understand that.

MR. CARPENTER: Okay. I just wanted to -- okay. There are no basements proposed. All these buildings will be slab on grade. I think it would be difficult to do it any other way on these soils. We do have a traffic analysis underway. I'm presuming that is probably going to lead into a traffic study. But as I said, that has yet to come about. And we haven't got the results of that yet, so...

We had finally some definitive talks with Wegmans. They are adamantly opposed to a cross access, unfortunately. So there will be no cross access to the Wegmans parking lot, or the Wegmans property.

That being said, you know, I don't really know that that is such a bad thing. We have learned from other public hearings and even talking to Dave Gehring today, there is a bit of a problem to the west here on Paul Road, to the easternmost Wegmans entrance. And so I don't know that it would be the worse thing in the world if we don't exacerbate that problem by having a cross-access easement. So we'll --

RAY BLEIER: On that cross easement, that was strictly a traffic and auto --

MR. CARPENTER: Yes.

RAY BLEIER: Did you pursue any possible access by a walking path?

MR. CARPENTER: No cross-access easements will be granted, and the reason for it is they don't want the liability for traffic or pedestrians. They don't want the liability, period. Their attorneys are very clear. So unfortunately, that is it.

DON FASO: So in other words, if a resident from this development were to step off that public road, step over the property line and step onto Wegmans' property, they're entering at their own risk?

MR. CARPENTER: Yes. And I think probably the reason for that -- let's face it, it is senior housing and there is a little bit -- I suppose from Wegmans' standpoint, a little bit more of a liability than there would be normally, although I don't know -- Ralph Uttaro tells me they're not granting cross-access easements anywhere any more for any purpose, so there is just no point in pursuing that.

But like I said, I think the single access point on Paul Road, I think it -- it is my gut feeling -- I haven't got anything back from SRF, but I'm kind of leaning toward separate -- trying to separate the uses. That is not to say some of the apartment dwellers won't use the western entrance or, you know, somebody that wants to go to the offices and cut through the eastern entrance. But I think it could become important to have some separation of the uses both for convenience and safety. I mean you try to sprinkle the traffic out in many access points as you can.

DON FASO: The ponds you show on reduction were not on the original submission. Is that as a result of drainage calcs that you have done?

MR. CARPENTER: I haven't done any real significant calcs on here except, you know, sort of thumbnail sketches.

KAREN COX: The shading.

DON FASO: You're here tonight asking us if we like this layout?

MR. CARPENTER: I'm here to try to get some feedback so that -- in fact, what would be great is if I had one or two points, from each of you, on things that you either liked or didn't like about this, maybe some concrete suggestions, and what we would love to do is be able to have

enough feedback to come back next month with a preliminary plan.

JOHN NOWICKI: Can I just interject?

MR. CARPENTER: Absolutely.

JOHN NOWICKI: I will be honest with you, on this particular project, and when I get a chance to talk -- I just wanted to make a comment at this point. This one here, I think, or at least I would suggest to the Board that we take this one really slow and easy, and I'm not looking forward, to be honest with you, to have you guys come in here on a preliminary basis the next time around. I want to see a sketch plan, because there are too many details as we get into our discussions tonight that we're going to have to go over slowly. We're not going to rush things.

MR. CARPENTER: Understood.

JOHN NOWICKI: This is too important to this community and this neighborhood. We're not rushing this one.

KAREN COX: The shading on the wetlands, I'm assuming that is indicating the areas that are going to be impacted?

MR. CARPENTER: Right. The shading that is on the newest plan that I just gave you is .490 acres. It is almost exactly half an acre.

KAREN COX: So you plan to mitigate that somehow, somewhere?

MR. CARPENTER: What we would be proposing, and I'm also working with Environmental Resources, some storm water wetlands on site in the non-wetland areas as both the water treatment and mitigation.

KAREN COX: The concern I have is that there is really not a lot of areas, open areas to put in, you know, .49 acres of new wetlands, so I'm assuming that you're looking at maybe putting it around the ponds?

MR. CARPENTER: Right. That is why I have showed the large pond areas on here. That is another reason why we're trying to get that intrusion into the wetlands down from .5 to maybe .1 or, you know, .2.

KAREN COX: So the area along the road that is running southwest, you said you might change that into patio homes?

MR. CARPENTER: Yes.

KAREN COX: That will reduce some of the impact?

MR. CARPENTER: Right. It will also give us a little more room. Especially right up in this area (indicating).

KAREN COX: Yes. So the parking -- are you going to have little, little eyebrow areas where people can pull in? You know, I'm thinking, if you have got apartments where you have got people living with two cars each, is that really going to be adequate?

MR. CARPENTER: For the four-unit apartments, there is a garage in each of these apartments, the front part of these are garages, so in reality you have one space in the garage and one space in the driveway. So for the four-unit apartments, we have got it covered. But the eight-unit apartments, we would need -- I think the code called for 1.7 spaces per unit, so we're like three short for each of the eight-unit apartments. So what I would be proposing is to fill in some of the front here (indicating), with two spaces and maybe, you know, in between a couple of the buildings, every other building, we would just fill in with parking spaces. But certainly no lots or, you know, no dedicated parking areas.

KAREN COX: I like the idea of the -- kind of the neighborhoods that have been created with the rotaries. It looks less industrial.

DON FASO: Are you going to vary the types of units per pod or --

MR. FALLONE: Pods will be four -- single-story and two-story.

DON FASO: You will vary the architecture?

MR. FALLONE: Yes.

JOHN NOWICKI: Are you saying two-story in the sense that apartments are upstairs?

MR. FALLONE: Yes.

JOHN NOWICKI: So senior citizens will have to walk upstairs?

MR. FALLONE: If that is what they want. Some people don't like to live -- have someone on top of them, because they can hear them walking or -- so some seniors do like to be on top.

KAREN COX: My grandmother --

JOHN NOWICKI: What is down below?

MR. FALLONE: Seniors also. I mean they can pick and choose wherever they want.

DON FASO: The hard of hearing ones will be on the down level.

KAREN COX: My 93-year-old grandmother lives in a -- something like that out in Greece, and she -- all of her neighbors are around that age and they still climb the stairs.

DON FASO: Dan (Kress), ADA, would that require an elevator?

DANIEL KRESS: Well, the code is very specific for purposes of this section, senior citizen dwelling units shall be a unit which is handicapped adaptable or accessible and the construction for handicapped accessible or adaptable are those defined in the ADA Act and New York State building codes, so effectively if you're not talking first story, you're talking an elevator, yes.

JOHN NOWICKI: You have to watch what you're doing here with the second floor, because not -- not in today's standards.

DON FASO: That is going to jack up the price a little bit.

JOHN NOWICKI: You will have to decide what you're going to do here, because that is not going to work.

DON FASO: But a two-story apartment is acceptable, under the code, Dan (Kress)? I mean if they have living area, ground floor bedroom, upper level? Or is that a question of interpretation?

DANIEL KRESS: No. It's not going to be acceptable. It is not going to be fully accessible. There is another issue before we get to that point any ways, which is 115.19.1, which is the section that talks about the PNOD district. It also talks about, among other things, permitted uses, senior citizen dwelling units and complexes, single-family detached units. It later goes on to talk about the fact that -- under conditional uses, it talks about residential dwelling units not on the ground floor when the ground floor is the permitted nonresidential use. So I think that gets us to our lower retail, upper apartment unit buildings. But the same section also goes on to talk about the fact that the maximum number of attached senior dwelling units can't exceed 18 units per acre, and more importantly, the total number of senior citizen dwellings can't exceed 35 percent of the total dwelling units within the PNOD, period. So about a third of these are going to end up being senior citizen -- to get all these things to co-exist and to work collectively, about a third of these have got to be senior citizen dwelling units, which by the definition in here means they have to be handicapped adaptable or accessible, and adaptable doesn't mean we'll put in an elevator down the road. It means it basically has to be --

DON FASO: For C of O they need that.

MR. CARPENTER: 35 percent of them would be handicapped accessible or one-story?

DON FASO: Even the one-story would have to be accessible. With the handrails in the bathroom and the wide doors?

DANIEL KRESS: That's correct.

JAMES MARTIN: I'm a little confused. In your note you had said that -- for example, senior citizen dwelling units including apartments and single-family detached units are permitted uses for other than senior citizens -- apartments for other than senior citizens are not permitted uses except over retail store fronts; is that correct?

DANIEL KRESS: Yes.

MR. CARPENTER: I think maybe the confusing thing --

KAREN COX: Who is going to go in the ones that are not senior citizen apartments, but not over the retail? I mean that is like a gray area.

JOHN NOWICKI: You're talking apartments, not for seniors?

DANIEL KRESS: No, I think what you're talking about is more patio homes or single family detached.

MR. CARPENTER: I read the code slightly differently. I thought the 35 percent applied to within the senior housing facility -- senior housing center, 35 percent of those had to be ADA compliant.

DON FASO: And your interpretation is --

DANIEL KRESS: That is not what it says. It says, the total number of senior citizen dwelling units shall not exceed 35 percent of the total number of dwelling units within the PNOD. Then it goes on to say for purposes of this section, the senior citizen dwelling unit is defined as a unit that is handicapped adaptable or accessible.

MR. CARPENTER: You can have a senior citizen dwelling unit that is not handicapped

adaptable?

DANIEL KRESS: No, you cannot. By definition, it is not a senior citizen dwelling unit.

MR. CARPENTER: When it says for purposes of this section, is it talking about that specific A, B or whatever that section is?

DANIEL KRESS: It is talking about 115.19.1. It is talking about the entire PNOD section.

MR. CARPENTER: Okay.

JOHN NOWICKI: Under dimensional requirements, 1(c).

DANIEL KRESS: Yes.

MR. CARPENTER: I guess we'll -- maybe I can get with Dan (Kress) on the code.

DON FASO: That would be advisable, seeing that it is his interpretation that we listen to. Where did I leave off?

JOHN NOWICKI: I'm probably not going to cover all of the ground I want to cover tonight, okay? But there are some areas that I do want to establish that you might want to call precedent a little bit.

I have a concern on this project, not so much of the -- I like the PNOD idea, and I think it can work if it is done right. But I see Mr. Fallone is with us tonight, and again, I am going to bring up the fact that we have a project in North Chili, the plaza. We have a project on Beaver Road and the new Chili Scottsville Road call the Ballaqua which we went overboard to get that approved and moved ahead quickly. I'm concerned on the type of organization that you have, Mr. Fallone, to build these projects and where the financial wherewithal is going to come about to do these projects. I would like to see some kind of a proposal before the Planning Board as to how you're going to do all this stuff. And I am uncomfortable at this moment about any approvals on this or moving forward with it until I can find out and hear from Mr. Fallone or whatever how we're going to clean up North Chili and what is going to happen to Ballaqua

MR. CARPENTER: Bellaqua (phonetic) is still in -- under review by Pure Waters. I don't know if you're aware that Pure --

JOHN NOWICKI: I'm not aware of anything because I have been watching for that project for four months and nothing has moved.

MR. CARPENTER: I know. That is the frustration that we're feeling, as well. Pure Waters will not review the project until it is added to the district. So it was just added to the district three months ago. So Kevin Quinn has been battling with me primarily because of the fact there is a Pure Water sewer that the church is connected to that does not meet Pure Waters' requirements, so now we're being forced to upgrade Pure Waters' existing sewer, about 350 feet of it which is through a federal wetland, and we pretty much have no choice. That is the holdup on that project. And we have kind of had to throw our hands in the air and say I guess there is no approval unless we fix Pure Waters' problem. Never mind that it is on the Pure Waters' as-built map. Kevin (Quinn) says it was never dedicated. They videotaped it, it is sagging, leaking and we have to replace it.

DON FASO: This is news to me. Larry (Nissen), are you aware --

LARRY NISSEN: No.

MR. CARPENTER: It wouldn't be -- it is not -- it wouldn't be part of the Town's review. It is Pure Waters' sewer.

DON FASO: But it is an issue in the Town of Chili.

MR. CARPENTER: It is an issue in the Town of Chili.

DON FASO: The Town of Chili should be aware of it, especially our Town Engineer. Because your project is affected by it, and I think by all rights we should be aware of what they're looking to have done and maybe we need to take a stand on it. I'm sure Mr. If Mr --

LARRY NISSEN: That is why Pure Waters reviews all these applications for sanitary sewer purposes. We actually don't get involved in that because we're not familiar with their facilities.

JOHN NOWICKI: Why wouldn't that have come out during the review process of that application for Ballaqua?

DON FASO: Or the church.

JOHN NOWICKI: Why wouldn't we have picked up that?

DON FASO: The church was in a couple months ago.

LARRY NISSEN: It should have been picked up sooner. It should have been picked up --

seems to me it should have been picked up sooner.

DON FASO: I mean it is not Mr. Fallone's fault.

LARRY NISSEN: No.

MR. CARPENTER: I think the big holdup is adding the project to the Pure Waters district. And that takes, you know, 90 to 120 days or, you know --

DON FASO: When you say it doesn't meet their specs, didn't they approve it for the original hookup?

MR. CARPENTER: They never accepted it for dedication, he is saying, even though it is on the as-built map. They never accepted that length of sewer.

DARIO MARCHIONI: It is still private.

MR. CARPENTER: It is in the right-of-way.

DON FASO: Wouldn't the Town wait for Pure Waters' approval before the C of O is issued?

MR. CARPENTER: Understand, this is from '62 or --

DON FASO: The church has been there that long?

MR. CARPENTER: The sewer has. I don't know about the church. The map I have that shows the sewer, and it was for the construction of the sewer, I believe it is '62 or '63.

JOHN NOWICKI: That is an interceptor sewer, right?

MR. CARPENTER: No. 8, 10-inch sewer. I think it ties into the interceptor.

But anyway, that is the holdup on Ballaqua. That is was --

JOHN NOWICKI: But, again, we --

MR. CARPENTER: Aside from Larry (Nissen), who really put us through the ringer.

JOHN NOWICKI: I tell you what I see here. Until I see some kind of a format or a structure or a company, people, project managers, superintendents in the field -- I don't know what he has got. I have no idea who is going to build this, any of the these projects. We have everything on paper here, and I don't see anything happening. I mean I have to admit, I think that North Chili has been abused, and that is a shame, because North Chili, there is a lot of investment over there between the college and other people that have built projects and are going to be building projects to be straddled with an eyesore that we can't seem to get fixed.

MR. CARPENTER: We -- I guess I would disagree a little bit.

JOHN NOWICKI: Disagree with me, but tell me why you disagree.

MR. CARPENTER: He has upgraded the parking lot.

JOHN NOWICKI: You got to be kidding me. You got to be kidding me.

MR. CARPENTER: Hear me out. The parking lot did not make the topping, but we put in all of the curb and the light posts. It is a pretty significant investment you can't really ignore.

JOHN NOWICKI: Look. You know what the problem is, you're following a company that came before you tonight that did a first-class job, and they do a first-class job when they build the project, and there are other people that come to this Town, not mentioning any names, who come in here get their approvals, go out and build the project and we don't have any problems. But here we have got problems, and we can't for some reason solve these problems. And that is not fair to the Town of Chili. And until I see something concrete, where is the money, where are the people to do all this stuff, I'm not comfortable with this one.

MR. FALLONE: John (Nowicki), I never came in for North Chili. I took North Chili off someone's hands. It was half empty. Now there is 800 square feet that is vacant.

JOHN NOWICKI: Look it --

MR. FALLONE: I took the facade, changed the whole facade on it.

JOHN NOWICKI: You have to show something here.

MR. FALLONE: You want more? I have already put a half million dollars into it. You want more?

JOHN NOWICKI: I want -- look it. Ask the people in the Town what they think. I'm not the only one. I'm sitting here trying to protect their interests. You think I want to sit here -- any other Town would not accept that. We're sitting here accepting that plaza looking like a trash pile.

Mr. Fallone made a statement indicating it was not in good shape before.

JOHN NOWICKI: It still is.

MR. FALLONE: So why didn't you do something more? Why didn't you do something before?

JOHN NOWICKI: I'm just saying I have to see an organization that can put something together and finish these projects.

DON FASO: I'm going to tone you down.

JOHN NOWICKI: I'm done. When it comes back to this project here, the PNOD district requires really -- really requires a lot of skills here. Just to go a little further -- and I will let someone else talk, because I have a lot say on this thing as time goes on.

As we discussed, the PNOD, a long time ago when we developed the district, we're going to be paying special attention to the landscaping, signage. We may even require architectural review at your expense. But we will select the architectural company. So these are things that we'll be looking at down the road. So as you go through this process, don't be surprised by anything. Because it is going take a little time. That is all I have.

DON FASO: Don (Carpenter), you admitted earlier that you're not a landscape architect.

MR. CARPENTER: No.

DON FASO: A lot of times when major developments like this come into the Town, they come before us with a team, and the team is the engineer, the developer, and the architect and they're sitting here and they have renderings and we have something to sink our teeth into. We have something to look at, and something to put our judgment on. And I think that would be -- you want to walk away from this meeting with our feelings and suggestions? I don't want to spend your money; however, that's what we like to see, that design team come together that has the landscape architect, that has the land use expert, that has the engineer, that has the architect -- the team is here, it is put together, we know who is involved, we know who the players are. That can give us some confidence that when we do approve it, that it is going to get built to the way it has been presented. That is what we like to see. That is what I like to see. I think -- I will agree with John (Nowicki), you know, this is the first PNOD in the Town of Chili. This is going to mirror or reflect future development, and we want to do a good job. It is the first one, by your choosing. It is the first one to come into Town, and I think it should be -- it could be a showplace. This is in the center of our Town. It should be a showcase that we can be proud of in the long run. And I think that is what I am looking for. You know, I do like the idea of the little pods. I made a little joke about it and made light of it, but I do like the round-about, and it is a unique concept, and it could work. But I would like to see a little variation of some styles. I don't want to see, one, two, three, four pods look exactly the same. I want to know that, you know, this pod is a little bit different than this pod. I want to see some creativity. You know, obviously you said you talked to the State, and if you lose the north -- or the west intersection, so be it. You know, you got to do your traffic report, so you have to meet their design criteria. You know, we're looking at a concept plan that has two points of ingress and egress. I'm sure the Traffic & Safety Committee would like to see a final plan so they can sink their teeth into it to make a recommendation. So those are my feelings.

JAMES MARTIN: I kind of like to second some of the things that John (Nowicki) has said. Certainly, some concerns about viability and completion of other projects. I don't know where you stand at this point, probably it is very preliminary in the process, but we certainly have about a 30 to 35 percent vacancy rate on office space in the area, 20 to 25 percent vacancy rate on retail.

Now, the last thing I want to see is, you know, a very nice plan here with vacant store fronts and "for rent" signs hanging out for office space. So hopefully as you move forward with this plan, there will be much firmer ground on who might occupy that space that is going to be built. Because that is the last thing I want to see is this empty space in that particular area.

So that is again one of the serious concerns I have about this project. Overall, the concept doesn't look too bad at this point. You have come a long ways from where we started, which looked like row houses. Anyway, that is what I have got.

DARIO MARCHIONI: Can you just give me a quick review on how many single families you have got in this area? It shows --

RAY BLEIER: Six.

DARIO MARCHIONI: Six right here now?

MR. CARPENTER: Five on the one and six on the other one.

DARIO MARCHIONI: How about apartments? Senior citizens apartments?

RAY BLEIER: 100 and --

MR. CARPENTER: 156 on the first one and 192 on the current one.

DARIO MARCHIONI: You have different plans here now. Okay. That is basically it. My other question is that, if you build this project, what phases would you break this down into? Do you have any idea yet?

MR. CARPENTER: Well, it -- I mean at this stage, it is --

DARIO MARCHIONI: I know it is kind of premature.

MR. CARPENTER: Off the top of my head, I would say we would break it at least into thirds.

DARIO MARCHIONI: Do the apartments first, for senior citizens?

MR. CARPENTER: Yes.

DARIO MARCHIONI: Then the office complex?

MR. CARPENTER: Probably. Probably the restaurant and the bank would be first.

DARIO MARCHIONI: First the restaurant and the bank?

MR. CARPENTER: As well as a number, maybe 25 percent or 30 percent of the apartment buildings.

DARIO MARCHIONI: And the office complex, would that be in the third phase?

MR. CARPENTER: Probably second phase.

DARIO MARCHIONI: If you find clients for it?

MR. CARPENTER: Right.

DARIO MARCHIONI: I'm trying --

MR. CARPENTER: Like I said, we already have interest from a neighborhood -- what I would consider like a neighborhood business, a bagel shop, and a bank. So those two, you know, we would be pursuing right away. The others -- like I said, probably 30 percent of the apartments.

DARIO MARCHIONI: What I am trying to get at is, I don't want to see just the apartments being built and then, you know, the office complex and other things -- you know, they might never get built. You know what I am saying? I just want to see the whole project being built. Once we get together on exactly how we're going to lay this out. That is the only question. That is all of the questions I have.

RAY BLEIER: Don (Faso), I didn't get a chance.

DON FASO: I realize that. Karen (Cox) took your spot.

KAREN COX: Sorry. How rude of me.

RAY BLEIER: When I first heard that this was a PNOD-type application and everything, I really got excited. When I read the definition of what a PNOD district is, you know, this mix of various types, then I got to be very honest in saying when I did see plans like this here, my first impression, and that is this is really an MR with just some auxiliary, you know, businesses, and a few residential homes.

I really wanted to see a little better mix than what is being proposed here.

And when it comes to the restaurant, you know, I saw originally you had about 8,000 square feet, I saw -- I said, oh, gee, maybe we'll finally get a little better class type restaurant here and not one of these fast food type things, you know, and now you are telling us that it is going to be 5,000 square feet and probably a bagel shop. Oh, no. To me that is a big let down. And --

MR. CARPENTER: I think we --

RAY BLEIER: I think there are some very, very serious problems. Not only that, but now all of the sudden the apartment density went up from 150 to 192. We're heading in the wrong direction, quite honestly. I'm sorry you couldn't work out the easement with Wegmans, but I'm not too surprised. But as I said previously when you were in, if you can't get that, I want to see some type of a safe public access from this site over to the Wegmans site. I don't want these people walking along the road to get there. You know, and I certainly don't want -- you are kind of defeating the whole purpose if people have to drive, come out of here and go a couple hundred feet up the road into another plaza, development. So I think that is going to be the serious consideration on my part, and, well, we're getting into two-story apartment units here. I see they're not -- any of these are not proposed along Paul Road. Well, I guess there is one here. That is kind of odd. You have one on -- there that is a two-story and all of the others are -- well, mostly one-story, but then -- I like the idea of the lower retail and

the residential apartments or whatever above it. I like that concept. You know, that is one big plus I feel in the application as it stands now.

What is this clubhouse here? I guess -- do you want to discuss that? What is this going to be here?

MR. CARPENTER: Just a meeting house, activity center for the apartment complex. For the senior complex, or a portion of the apartments that will be senior.

RAY BLEIER: Okay. Okay. Anyway, I guess that is my feelings, and I don't know. I think that -- somebody mentioned, maybe it was the Conservation Board, you know, about the buffer to the wetlands. It is not shown here. And I'm wondering how much of an impact that is going to have also when you start to display that with some of the parking. You're getting a lot of stuff up very close to the wetlands and I'm a little concerned there if, you know, the federal government isn't about -- you know, about salt runoffs and everything else. You're getting a large density of vehicles and, you know, I think it is bigger potential that these wetlands are really going to be affected negatively.

KAREN COX: There isn't a 100-foot buffer on federal wetlands. I mean the 100-foot buffer doesn't --

RAY BLEIER: Just the DEC.

KAREN COX: I will throw that out, but...

MR. CARPENTER: The runoff, all of the drainage would be, you know, dealt with as required by the Phase 2 regulations, the DEC, so that everything will be treated before it is discharged to the wetlands. There would be no untreated discharge into the wetlands.

RAY BLEIER: Right. And picking up on Dario (Marchioni)'s point about the development here, you know, if this thing progresses, as pretty much depicted here, then one thing I don't want to see either is that all of the apartments are going to get built and -- before, you know, the other commercial buildings are, you know, built and filled. So...

That is about -- the most of my concerns.

JAMES MARTIN: I have another comment. As I read through the section in the code book, I mean, a lot of senior citizens are very active. I mean, I see nothing in this plan like tennis courts or something like that that would accommodate, you know --

DON FASO: They're assuming they all play golf.
(Laughter.)

JAMES MARTIN: Well, you can walk to a tennis court which is located, you know, just down the street from where your apartment is and play tennis. I mean, there is nothing on here that facilitates outdoor activity or exercise for active senior citizens. I mean, I think that is something that PNOD encourages. I don't see it on here. So it is again something you ought to go back to the drawing board on.

JOHN NOWICKI: I want to make a point here that this particular PNOD district, if you would reread this thing and try to get a feel for what this Town is trying to do with this thing, if this was to move ahead at all, who would be doing the architectural work?

MR. CARPENTER: There are a couple of architects that Bob (Fallone) has worked with in the past. I don't know that he has selected an architect in particular.

JOHN NOWICKI: Because I agree with what Don (Faso) says, and I really, really believe this, that until you put together a team of architects who have a feel for what this PNOD district really means, and when they read this thing and get the feel for it and start to design things that are special to this site, and to this concept, which this doesn't show me, okay. This to me is -- looks okay, but it is not even close to what I think a PNOD should start representing or start telling us. When it comes to the architectural, the layout, the landscaping, the concept itself. The feel for it. Some parts are good, like Ray (Bleier) says, the apartments over the retail. You have started this one direction, but then you lose it in another direction. The feel isn't here, in my opinion. Until you get that team together and reread the concept of PNOD and then come back here again informally to tell us that you have got a grasp on it, I can't see where we're going on this thing. Period. That's how we do it.

JAMES MARTIN: I agree.

MR. CARPENTER: I was hoping to get something a little more specific in the way of the uses that you guys are looking for.

DON FASO: I don't know about the rest of you, but I can't hear you with that horn whistle.

MR. CARPENTER: I said I was hoping to get something a little more specific as far as type of uses, and, you know, the specific things you liked or didn't like about the layout. I mean, it is good to know that you don't like the layout. But --

DARIO MARCHIONI: We like part of it. We didn't say all of it.

JAMES MARTIN: I think the suggestion is, reread the PNOD code and put the team together.

DON FASO: Don (Carpenter), Bob (Fallone), the Planning Board is on record many, many times when I was on it before, when I was off it and under the Chair of John Cross, they have stated it time and time again, we're not here to design the project. We're not going to do that. Asking an opinion is one thing, but being site specific about what do you want me to build, is -- I think the onus is on you to make a presentation to us. We'll be the judge of whether it fits the code and meets all of the criteria and what we're looking for.

JOHN NOWICKI: I can tell you personally I am not going to accept what we have seen in the past. This is too special of a site, too special of a project. It will not be the standard type of thing that we have seen in the past. This is going to have to be very special.

DON FASO: All right. Conservation? Charlie (Robinson), anything to add?

CHARLES ROBINSON: Yes. The Conservation Board has raised a number of issues also concerning the wetlands. First and foremost, let me make a clarification on the meeting notes, we indicated that we were concerned about the 100-foot buffer being maintained.

DON FASO: Well, on a federal, there is none.

CHARLES ROBINSON: That's correct. After talking to the Town Engineer and as Karen (Cox) has stated, that is not an issue. So I just wanted to clarify that so it is stricken from you guys' notes.

Secondly, we noticed that at least five areas were actually encroaching the wetlands, so we're concerned about that. They were building inside the wetlands. We are concerned.

The proposed hiking trails are also in the wetlands.

We wanted to make sure that -- we would like to see also a berm be on the south side of the drainage ditch, for the north neighbors, to be constructed.

We would like to see -- leave intact the natural barrier provided on the west side of the property. We wanted to make sure that was preserved.

Recommend that the -- this is a -- something that we wanted the Drainage Committee to look at, was to recommend that the 100-year flood plain be reviewed. To make sure it was maintained. We weren't sure if that was being addressed or whatever.

DON FASO: Okay. Well, that would be up to the Town Engineer to make sure we don't encroach.

CHARLES ROBINSON: Yes.

DON FASO: I am peeked by the comment about a berm on the south side of the Drainage District. What --

CHARLES ROBINSON: If you look at the --

DON FASO: That would be a disturbance in the wetland and I don't know whether the feds would allow that.

CHARLES ROBINSON: We want it actually behind the berm, and then -- also, our concern was that the neighbors on the north, the north side of Paul Road, looking across into the tract, you know, would see the back of --

DON FASO: Oh, I'm thinking you're talking about the ditch that transverses the property.

CHARLES ROBINSON: No. No. No. No.

KAREN COX: You're talking about the roadside ditch?

CHARLES ROBINSON: Yes.

DON FASO: Oh, okay. Now I'm on the same page.

CHARLES ROBINSON: All right. That wouldn't be too good. No, that is what we were referring to. And then the overall, the other general concern is that a number of houses that are actually in the wetlands themselves.

DON FASO: That definitely would have to be mitigated.

CHARLES ROBINSON: In summation, I guess our major concern is the encroachment of the wetlands, period.

DON FASO: Thank you, Charlie (Robinson).

LARRY NISSEN: Nothing other than my letter, Don (Faso).

DANIEL KRESS: Not at this time.

MR. O'TOOLE: No comment.

DARIO MARCHIONI: Just if I could add something else. Just for information, there might be a development on the east side of this property of lots more residential.

DON FASO: They actually want to come in informally in February.

DARIO MARCHIONI: Right. So that might impact some of your retail here, that, you know, and -- for future thinking of how we could accommodate with that type of development. Just a suggestion.

DON FASO: Just to FYI, I already know who is on that design team. They already have it in place. For what it is worth.

GEORGE BARTNETT: I yield to the Chairman of the Traffic & Safety, Fred Trott.

FRED TROTT: We just had -- when we looked at the plans -- I don't know if it is a little bit different, but we were concerned about the one entryway on there.

DARIO MARCHIONI: There are two.

DON FASO: This was submitted tonight.

FRED TROTT: No, I haven't seen that.

DON FASO: Well, it was submitted tonight. Do you have an extra copy for Fred (Trott)?

MR. CARPENTER: I don't. I gave them all out.

FRED TROTT: The other thing that we thought of and Dario Marchioni had just mentioned is if they would consider having some kind of access into the 715 Paul Road to share -- we were thinking if you did that, you would alleviate -- these people trying to get to -- to say, for example, to go to Marketplace Mall. If they were able to go through his development (indicating), they would alleviate some risk of them getting out onto Paul Road.

DON FASO: You want a reservation for a stub road?

FRED TROTT: Yes. Is that the word? Okay. Those are our two things.

DON FASO: That is not a bad idea.

FRED TROTT: You know that way, if you had that, you -- now if you have businesses there, they have access to it too without getting onto the main roads.

DON FASO: That's -- I think Fred (Trott)'s point is, if we made arrangements for a stub road here (indicating), that this subdivision would have to tie into --

FRED TROTT: These people can go through that way to get out to --

DON FASO: It would eliminate the traffic on Paul. They would go right to Archer.

KAREN COX: That would give these people access for the retail.

FRED TROTT: Into here to this retail (indicating). Instead of coming out and over. You're going -- they might as well go to Wegmans.

MR. FALLONE: Don (Faso), the problem isn't turning right on Paul Road. It is turning left. So the people from the subdivision are going to be cutting through the apartment complex and taking a left to get to Wegmans. That is the problem.

LARRY NISSEN: Yes.

FRED TROTT: We also thought that if they would consider having a walkway, even to Wegmans.

DON FASO: That is out.

KAREN COX: Like a public sidewalk along Paul Road.

FRED TROTT: Yes, just to keep them off the road. I know there are legal aspects that are beyond me, but if there was some way.

DON FASO: The sidewalk that would be in the right-of-way; that can be done.

KAREN COX: Yes. I mean I thought -- Don (Carpenter) indicated before you got in that even Wegmans was not interested in even having a -- like a pedestrian access onto their property, but if you're talking about a sidewalk in the right-of-way, that would keep people from walking on Paul Road to get them over to the Wegmans property.

FRED TROTT: Is that something that you could -- we did this with the restaurant up there and Colombinis, was to have them try to get an access to all use the light. The signal light at that restaurant.

DON FASO: Well, the hammer was they both came in about the same time.

FRED TROTT: I don't know if there is a chance to sit there and go, for him to have like a leeway open and then when Wegmans comes in for some kind of business or something, we can say, okay, if you do this.

DON FASO: Wegmans is sitting on a parcel of land that is totally approved, and the only way that we would get any sort of hammer would be if they came in to reconfigure anything on the east property line.

DARIO MARCHIONI: How about another site? Other areas? They still have more development.

JOHN NOWICKI: That will not affect this.

DON FASO: You would be on real thin ice to require something on the east side if they were developing something on the west side.

KAREN COX: That is kind of overstepping the bounds.

FRED TROTT: You know you will get people that will try to make a shortcut to Wegmans and if it is just thought of ahead of time, it would be helpful. But I know that stuff doesn't work out very well.

KAREN COX: Well, if it was a public sidewalk or a sidewalk in the right-of-way, that would give somewhere to walk.

DON FASO: With the number of -- the length of sidewalk this Town is acquiring, Joe (Carr) is actually looking into the long-range plans of actually buying sidewalk plows. Right now we contract it out. It could be a long-term budget item for the Highway Department.

JAMES MARTIN: Sidewalk would get them to the road which goes past the bank into the Wegmans store, so they would still be on a driveway or a parking area.

KAREN COX: They would still have to walk in the roadway.

JAMES MARTIN: They would still be in traffic.

KAREN COX: On Wegmans' property.

DON FASO: But if it was in their right-of-way, from the edge of the property line here to the curb cut into the right-of-way, the Town could do that.

JAMES MARTIN: At least it would keep them off Paul Road.

DARIO MARCHIONI: I'm very optimistic. I think this project with the project next to it and other things that are going on, I think this could really work out really good. I mean, if you put everything together and make it work, I think it would be really a plus.

MR. CARPENTER: Thanks for your time.

DON FASO: Bob (Fallone), any questions?

MR. FALLONE: Nope.

DON FASO: I had a condition written down for the day care that was on my notes that I totally slipped my mind, that was the stop sign. How do we add that? Do I need to reopen?

KEITH O'TOOLE: Yes.

DON FASO: I need to reopen that public hearing even though the applicant is not here?

KEITH O'TOOLE: Well --

DON FASO: I stated it on the record.

KEITH O'TOOLE: Just say move to amend the resolution.

DON FASO: Do I have to open or just move to amend?

KEITH O'TOOLE: Just move to amend.

DON FASO: Gentlemen, ladies, I make a motion to amend the conditional use permit to add the addition of a stop sign as a condition.

DARIO MARCHIONI: Second.

KAREN COX: Isn't that a landlord issue?

DON FASO: Yes, but it is something they still need to pursue, but I want it as a condition. Thank you.

The Board was unanimously in favor of the motion to amend the conditional use permit to add the addition of a stop sign as a condition.

The meeting was adjourned at 8:50 p.m.