

CHILI PLANNING BOARD
July 12, 2016

A meeting of the Chili Planning Board was held on July 12, 2016 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 Michael Nyhan.

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

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger; Larry Lazenby, Conservation Board Representative.

Chairperson Michael Nyhan 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.

MICHAEL NYHAN: There will be a change in the order of tonight's agenda. We'll be taking an Old Business applicant first and then we'll proceed in the order in which the agenda is laid out.

OLD BUSINESS:

1. Application of Battisti Bros. Dev. Inc., owner; 17 Mondavi Circle, Spencerport, New York 14559 for reapproval of final subdivision of 14 lots (granted in 1999) to be known as Carriage House Estates Section 3 at property located at 515 Paul Road in R-1-15 zone.

Bob Winans was present to represent the application.

MR. WINANS: Good evening. My name is Bob Winans, and I'm representing Battisti Brothers tonight. This project was continued from last month so that we were able to provide the Board with additional information regarding the environmental testing that has been going on next door and we did submit correspondence from the State DEC, the State Health Department and Monroe County Health Department to the Board for your review. And I think it's pretty clear that they're comfortable with our moving forward with the development.

So this is the third section. We -- we don't see any other issues. So I would be happy to answer any other questions you have.

MICHAEL NYHAN: I understand at the last meeting this was heard and there were questions relative to the environmental impact in that area and since that time we have received all of the email correspondence for which -- the questions the Board had at that time. So why don't I just go ahead and start with questions from the Board.

JOHN HELLABY: I'm satisfied.

JOHN NOWICKI: The engineer is satisfied with everything?

MICHAEL HANSCOM: Yes.

DAVID CROSS: Nothing further.

MICHAEL NYHAN: We have received emails from the agency stating -- the New York State Department of Environmental Conservation, New York State Department of Health, Monroe County Department of Health as well as information on that site with a map of where all of the wells were located and any readings that were located in any of these wells. I will just make a comment for the record from all of the correspondence we have received, there was never any ground water pollution of any magnitude ever found on the Carriage House Estates. All of it remained on the Bausch & Lomb property.

Several of the monitoring wells have been closed down on Carriage House Estates. However, three wells will remain open for future monitoring for at least the minimum two years based on what is determined at the end of two years.

JOHN HELLABY: I do have one question of interest. They made mention that the wells that were closed were filled with grout, so that's a good thing.

The three wells that are still being monitored, how are those secured so an individual couldn't actually get into the top of the thing one way or another? Is there some sort of a cap?

MR. WINANS: There's a cap, cover that has a lock on it.

JOHN HELLABY: It is lockable? Okay. That's all I got. Thank you.

MICHAEL NYHAN: At this point, the Board is satisfied with all of the correspondence we received that there is no environmental impact?

JOHN HELLABY: Uh-huh.

MICHAEL NYHAN: Public Hearing has taken place. No need for SEQR.

ERIC STOWE: Mr. Chairman, I believe we were doing SEQR on this.

MICHAEL NYHAN: We are doing SEQR on this.

ERIC STOWE: That was part of the cause for delay making sure we adequately addressed

the SEQR issues.

MICHAEL NYHAN: Okay. My apologies then. Thank you. Based on the information that has been received.

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

MICHAEL NYHAN: Any conditions for this application other than the standard conditions we normally have? No? Okay.

I will review the conditions of the approval.

Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.

Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approaching agencies.

Any previous conditions imposed by this Board still pertinent to this application remain in effect.

Copy of all easements associated with the project shall be provided to the Assistant Town Counsel for approval and all filing information; i.e., liber and page number shall be noted on the mylars.

Um, the applicant is subject to all required building permits, inspections, code compliance regulations.

Building permit shall not be issued prior to the application complying with all the conditions.

And I believe that is the only -- those are the conditions. Any others?

Those conditions stated, I would take a vote on the application of Battisti Brothers for the Carriage House Estates section to be located at 515 Paul Road for final subdivision.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
4. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
5. Building permits shall not be issued prior to applicant complying with all conditions.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
8. Subject to approval by the Town Fire Marshal.

PUBLIC HEARINGS:

1. Application of Mark VanEpps, 21 Crossbow Drive, Penfield, New York 14526, property owner: Kings Crossing Townhomes LLC; for preliminary site plan approval erect a 24' x 24' garage w/office at property located at 3395 Union Street in R.M. zone.

John Buholtz was present to represent the application.

MR. BUHOLTZ: My name is Mark VanEpps. Good evening. My name is John Buholtz with TY Lin Engineers in Rochester. I'm here representing Mark VanEpps and Kings Crossing Townhomes, LLC.

This is an application, as you said, for a 24 by 24 foot building which would serve as office and garage for maintenance purposes at this development. And we're here seeking a SEQR declaration and site plan approval.

You have the drawings. I don't know what comments to make. I will make a few random comments here.

We're disturbing less than 2/10 of an acre. We're avoiding wetlands. All work will be

within the site. The roof will discharge to gutters and downspouts. We're providing the landscaping with value greater than that is required by the condition of the regulations.

And we did meet with the Conservation Board on June 27th and they reviewed it. They had a comment requesting minimum 12 inches of imported topsoil in the planting bed, which we exceed to.

We responded to the Town Engineer's checklist of June 7th and June 6th. We concur with all those. We are agreeable to working with the Town to make sure that the filed map meets your requirements with regard to as-built information.

MICHAEL NYHAN: Perhaps if you could give us a description on what this office garage will be used for, occupancy?

MR. BUHOLTZ: There is a small office in there, but basically it's for maintenance. They will keep a snowblower in there, things like that. They will not bring heavy equipment in there. There will probably be a lawnmower stored in there. And they will have a very small water service and sanitary service to it. There will be no floor drains. It's one-story.

MICHAEL NYHAN: Anything else?

MR. BUHOLTZ: No.

RON RICHMOND: If all we're doing is storing a lawnmower and that, why 24 by 24?

MR. BUHOLTZ: I don't -- part of it is an office. So I don't know.

RON RICHMOND: And the driveway, will it be paved eventually?

MR. BUHOLTZ: Actually, no. It's just crushed stone. There is a concrete sidewalk that will go to it from the sidewalk out there, but the intention is just to have crushed stone for that.

RON RICHMOND: Will gutters be drained on to the ground, surface ground or will they be buried?

MR. BUHOLTZ: The -- the downspouts will drain -- go onto the surface of the ground.

JOHN NOWICKI: Have you complied with all of the requests of our Town Engineer and been satisfied?

MR. BUHOLTZ: I have replied. I think we have more or less concurred to everything he asked for.

JOHN NOWICKI: Have they complied?

MICHAEL HANSCOM: Um, I haven't received revised plans yet to show he has actually done it, but he said he is going to do it.

MR. BUHOLTZ: We agreed to it. We didn't have time to change the drawings and make a full resubmittal, but we agreed to the conditions in both letters that he sent to us.

DAVID CROSS: What is parking -- handicapped parking for the office? Probably stripe out one spot?

MR. BUHOLTZ: One spot there should be designated as handicapped. I'm sure that is not a problem.

MICHAEL NYHAN: There is an emergency access easement road from the garage area over to the church next door?

MR. BUHOLTZ: Yes.

MICHAEL NYHAN: The Community Center. I have noticed there is a lot of overgrowth. Is -- the Kings Crossing, LLC, I believe, is responsible for the maintenance of that emergency access; is that correct?

MR. BUHOLTZ: I would assume so. I don't really know that. I would assume that is the case.

Okay.

JOHN NOWICKI: Driving in, I think they have installed some bumps, speed bumps. Anybody know if there is speed bumps in there? There are no signs posted. I'm just wondering if they should be requested to put some signs up. For the speed limit. Just something that the Building Department can take a look at.

Is that something that you would normally do?

PAUL WANZENRIED: No.

JOHN NOWICKI: They look new to me.

MICHAEL NYHAN: When we talked about the mylars we just mentioned, when you -- when you submit your final mylars, we're asking that the as-builts and the garage -- is the final set of plans the Town has will be the completed accurate set so you don't have to refer back and forth to the various sets?

MR. BUHOLTZ: That's my understanding, yes.

PAUL WANZENRIED: The speed bump that John (Nowicki) was commenting on, is something more directed to the Commissioner of Public Works or Highway?

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Out of my purview.

LARRY LAZENBY: Whoever presented -- did you present to the Conservation Board?

MR. BUHOLTZ: Yes, I did.

You left so fast the other night I didn't get a chance to stamp your plan.

MR. BUHOLTZ: I didn't even know you had to.

MICHAEL NYHAN: So you will need to get that stamped, I take it; is that correct?

LARRY LAZENBY: If he has a plan, I can stamp it tonight. I have a plan ready to turn into Paul (Wanzenried)'s office tomorrow.

MICHAEL NYHAN: Okay. Good. So nothing else is needed then at this point?

LARRY LAZENBY: Not from the Conservation Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm wondering if there are other crushed stone driveways in this -- on this piece of property and if not, why you would allow a crushed stone driveway instead of paved?

MICHAEL NYHAN: Sure. I could probably answer that. From looking at the drawings, it looks like where the garage is going to be built is a crushed stone -- the access road.

Is the driveway to the garage going to be off that crushed stone road?

MR. BUHOLTZ: Yes.

MICHAEL NYHAN: Crushed stone roadway to a crushed stone driveway; is that accurate?

MR. BUHOLTZ: Yes.

MS. BORGUS: Having had a crushed stone driveway for many years, I know they take a lot of upkeep. Once you start, you just keep it up and keep it up. You're either raking stone or putting more stone in. It seems to me for something like a townhouse complex, you would really want to have something put in there that is not going to be a maintenance problem later. Would it be such a big issue to pave the driveway? I'm not talking about the access road now. I'm just talking about keeping driveways within the complex the same, which would be paved.

MICHAEL NYHAN: Okay.

MS. BORGUS: Thank you.

MICHAEL HANSCOM: I just remembered something. Dave Lindsay Commissioner of Public Works had mentioned that he would like to have a condition of approval for this. The access road that goes across the neighboring church property, there is an easement provided to this property for that. He would like to have them provide maintenance for that road to clear out any brush that is going up in it, provide some additional crushed stone on it to repair it -- repair the crushed stone drive there so it is suitable for the fire trucks to go on.

MICHAEL NYHAN:

Okay. Thank you.

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

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

MICHAEL NYHAN: Any comments on the crushed stone driveway or roadway? Other than the condition that the one that is there needs to be repaired or maintained. Okay.

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

MICHAEL NYHAN: Conditions.

JOHN HELLABY: Monroe County Development Review Committee comments. It is a garage and I see you have a 1-inch water service in there. He will be required to put in a backflow preventer which needs to be approved by them.

MICHAEL NYHAN: You received a copy of the Monroe County comments yet?

MR. BUHOLTZ: I have not.

MICHAEL NYHAN: They normally are sent to the applicant, as well, by mail, County Comments?

JOHN HELLABY: They get them.

MICHAEL NYHAN: He gets them, okay. All right. There are several items on there you need to comply with the Monroe County comments.

JOHN HELLABY: As a matter of fact, I can give you this copy to make sure you have it.

MR. BUHOLTZ: Thank you.

I'm sure we can comply with these.

MICHAEL NYHAN: Approval is subject final by the Town Engineer and Commissioner of Public Works.

Town Engineer and Commissioner of Public Works shall receive copies of any correspondence with other approving agencies.

Applicant shall comply with all pertinent Monroe County Development Review comments.

All previous conditions imposed by the Board are still pertinent to the application and remain in effect.

Building permits shall not be issued prior to the applicant complying with all conditions.

Application is subject to all required permits, inspections, code compliance regulations and subject to approval of the Town Fire Marshal.

Additionally, the clearing of the brush, which is that emergency access road that leads over to the Community Center and repair of the stone driveway there to the Town's approval.

The mylars, the final plans submitted to the Town will be the as-builts with the current garage that is being proposed.

And any other conditions?

JOHN HELLABY: Did he pay for final, waiving final?

MICHAEL NYHAN: Let's see if we're waiving final. Good question.

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: Thank you.

We'll vote on preliminary site plan approval and waiver of final with the conditions that I have just read.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
5. Building permits shall not be issued prior to applicant complying with all conditions.
6. Application is subject to all required permits, inspections, and code compliance regulations.
7. Subject to approval by the Town Fire Marshal.
8. Owner must clear brush and repair stone on emergency vehicle access driveway to the Town's approval.
9. Final plan submission shall be as built with current changes.

Note: Final site plan approval has been waived by the Planning Board.

2. Application of Legacy at Chili Park LLC, 301 Exchange Blvd. Suite 200, Rochester, New York 14608, property owner: Chili Parkview LLC; for preliminary site plan approval to erect a two-story 109 unit convalescent facility with 13 buildings totaling 37 cottage units at property located at 3360 Chili Avenue in R-1-20 zone.
3. Application of Legacy at Chili Park LLC, 301 Exchange Blvd. Suite 200, Rochester, New York 14608 for preliminary subdivision approval to combine two lots into one lot at properties located at 3360 Chili Avenue (owned by Chili Parkview LLC) & 3364 Chili Avenue (owned by Ruth Hermann) in R-1-20 zone.

Don Riley, Anthony DiMarzo, Jess Sudol, Tom Daniels and Chris Nadler were present to represent the applications.

MICHAEL NYHAN: You're also seeking waiver of final; is that correct? Did I see that on application?

MR. RILEY: Yes.

Thank you, Mr. Chairman. Mr. Chairman, on behalf of the applicant, I'm Donald Riley. 301 Exchange Boulevard is our business address. With us this evening our -- you met our team before but allow me to introduce them.

Tom Daniels is new. He is our in-house corporation counsel and wanted to see the Chili Planning Board in action.

Anthony DiMarzo, our owner and founder of this and all of the other Legacies that now exist in the community numbering nine. This will be number ten.

Chris Nadler, who has been Counsel to the application from the beginning.

Jess Sudol is with Passero Associates and is our consulting engineer.

Absent tonight is Brian Powers who has Lyme Disease unfortunately. And he regrets not being here because this has been his baby and he has been tracking this all of the way, but he should be back as we proceed down the line.

In recent months we had continuing discussions with the Town as we have shaped this proposal development and site. The initial layout included a building of over 100,000 square feet, numerous cottages associated with it. We have changed the -- primarily driven by the program of a -- a community like this that handles memory care, assisted and enhanced. For a lot of internal program reasons, we now are displaying a much smaller footprint but a two-story community.

Earlier this evening, we were in front of -- for preliminary discussion on the architectural details. Dick LaCroix is our architect of record. Dick (LaCroix) is a senior member of Barkstrom and LaCroix right here in Rochester, New York, and has been our architect on most

of every project we have done over the past 30 for 40 years.

Tonight we did review and we will be responding to the Architectural Review Board on the details and some of their very good suggestions on how to enhance the architecture and the residential design in nature. What is -- what this does give us in this site plan is a whole lot more room for landscaping and green space.

We are, as you indicated, Mr. Chairman, seeking to combine an additional lot. Ruth Herman, who was our closest neighbor I call it to the east, um, indicated her interest in -- in moving to be closer to her children and I think -- I think Michigan. I may be wrong about that, but we have acquired that property and are seeking to include it in the site. Her property suffered water issues forever. It was a -- there was a lower garage area. Topographically it was low by design on the end of the -- the residential neighbors along Chili Avenue.

It allows us to respond to our drainage needs. Right now, the drainage is not contained. In some cases it impinges on our neighbors. We're going to be able to capture it. A salient feature -- and Jess (Sudol) will take you through the technical end of this, but one that I'm excited about to say the least is that this -- when this is completed, it will create a rather attractive sidewalk route.

Jess (Sudol), if you could point out the sidewalk route on the site plan. Not only along Chili Avenue, and there is room for it, without taking any of the mature trees that our neighbors have in their front yard, in the right-of-way and the State -- the State was enthusiastic about it, but it also connects into the internal sidewalk of the entire site. Not only will residents who are able to take advantage of that, residents in the cottages, but also those residents who are healthy enough and ambulatory enough to come out and enjoy it.

One of the issues that we had to address in design of this community is the memory care, and their access to light and internal courtyards and the ability to enjoy the outside. The original plan had four courtyards. We now have two. One much larger, much more accommodating to those who live there.

Huge advantage of a two-story besides the -- the programmatic end is every -- both the outside apartments and those looking into a courtyard have something light on the outside to look into. Clover Blossom behind Mercy High School is a perfect example of that. So everyone actually has real outside to look into.

Internally, we spoke earlier to the Architectural Review Board, the handling of food and equipment and supplies just works much more than that.

This will be, as we indicated to you, a licensed community with the State of New York, Department of Health. In many ways they dictate the internal operations of the staffing. We indicated before that upwards of 50 full-time employees plus additional part-time wait staff and others will be part of it. Um, it's important, it's not relevant to the site, but we have an abiding relationship with the Alzheimer's Association who will be training our employees. All of the employees, not just those who are working in memory care with the challenges and realities.

Jess (Sudol) will take us through the salient points of the site plan itself and we're here to respond to any and all questions that you may have or any of those folks who choose to address you this evening.

Mr. Chairman, Jess Sudol. Thank you.

MR. SUDOL: Thank you, Don (Riley).

Again, Jess Sudol from Passero Associates, 242 West Main Street Rochester, New York.

Just wanted to back up a little bit with respect to the history of this parcel. Passero Associates was actually involved almost a decade ago when it was original approved for duplexes with a dedicated road in an R-1-20 district. That project started with a land clearing but never really came to fruition.

In the fall of 2015, last year, our office in conjunction with Mark IV made an application for a Special Use Permit to allow this facility in the R-1-20 District. That Special Use Permit was ultimately granted by this Board, along with a SEQOR determination at that time.

Back in the fall, we weren't quite ready to move forward with a preliminary site plan approval because there were still building elevations we had to work out and present. There were still some rather large outstanding Town Engineer comments and things of the like. So when we went back and we started to look at those comments and decided what our next steps were, we started to develop the architecture. Barkstrom and LaCroix got involved on a more intimate level and quickly realized that the sprawling nature of the original proposal, which is the one on the left, the one not in color, excuse me, just wasn't efficient for the type of facility that this is. For example, you know, one of the big things that we talk about as we moved through this process is the food delivery. They have a main kitchen and they have to go from the main kitchen and service all of the different parts of the facility. When you have a building with wings that are over 400 foot long, by the time your food gets to where it needs to be, it is no longer warm and, you know, with the type of folks that we expect to be living in this facility, one of the things that they have left that they really hold on to is their daily meal schedule. That is what kind of started the conversation. We quickly realized there were a lot of other incentives with the building that led to the revised design which you see on the right, which is a two-story design. So it is still well within the allowable height requirements and things like that with zoning, but it is also much more efficient internally and externally it does a lot of things from the site development side. Things that we're pretty happy with as the civil engineers.

For one, as Don (Riley) had mentioned, the revised design has an acre less just about, actually a little bit more of just roof alone. So we have far less rooftop with the design on the right than we did with the design on the left. Obviously that is good in terms of sustainability.

When you look at sustainability, one of the things that is constantly promoted is build your buildings taller so you don't take up all this green space by sprawling out. That is exactly what we accomplished by going up the two stories.

It has also allowed us to increase the green space around the entire project rather significantly. Previously with the plan on the left, we were pushing up against the 25 percent lot coverage requirement. We're down around 16 percent now with the building on the right. So that represents more than an acre less of impervious area that we now don't have to treat.

One of the biggest things that I think was an improvement that came out of the revised design was our ability to increase the setback from the homes that currently exist along Chili Avenue. I think there are six or seven existing homes there now. Previously with the original design, because the building was so wide and because it was so large, it was pushing up pretty close to that property line, which was interpreted by the Town staff as a front setback, which enforced the 75 foot setback, which is pretty significant, which was putting us in a situation where we would have to come in and ask the Zoning Board of Appeals for an area variance. We were confident we could make a strong presentation, but at the same time, our ability to avoid that and not require an area variance, I think, is certainly a benefit to the project.

So now that we had a smaller building, it then came down to what will we do with the remaining portion of the property. Specifically, as you cross the train tracks, right out here, heading west, what are you going to see and what kind of street presence is this project going to have. I think anyone in this room, Board members included, who has been to any of the Mark IV projects can be extremely confident that it is going to be, you know, just a fantastic, aesthetically pleasing project with details that some others might not have.

But with that said, just as kind of a known, moving forward what we started to look at was what do we incorporate into this area on the eastern side of the project that previously had building and the majority of our parking. And that is where we elected to add a couple more of the cottage units. As you recall, the cottage units function in harmony with the main building, the building we kind of affectionately call the mother ship, but it's all one project which is part of the Special Use Permit review.

So we did add some of those there. The first thing we wanted to do was not block the building. Dick (LaCroix) and his folks do a tremendous job of designing these buildings which have such presence to them, and really, you know, make a lasting impression with the project.

So I will -- can I walk over to the board if I speak loudly?

So as you're traveling westbound, it was a -- very important to maintain the sight lines to this area right here (indicating) where we have designed -- I haven't designed, but Dick (LaCroix) and his team has designed a see-through solarium which is really going to be the primary accent of this building. It is really going to be, I believe, what this building is remembered by.

So Chili-Scottsville Road right here, and coming westbound over the train tracks from Chili Center, it is important to maintain this sight line, which we have done. That is why we have the pond out here. That is why we're not putting buildings or anything else in this area. With that said, we also wanted to be cognizant of the townhomes in that area. A lot of times, with these townhome projects when you drive-thru town, and I'm guilty being involved with some of them, the main road, the public road, you're looking at a lot of backs of buildings. What happens is all of the townhomes kind of face the internal roadways.

In this case, the project team was very committed to that not happening. We don't want to see the back elevation which is just people back gathering spaces, their grills, their backyards. It was important to really play up on the front, where all of the money is spend on these townhomes. That is why you will see the two there when you look at your site plan. When you are looking up at the project, you will see the fronts of these buildings which really present well. That was done very intentionally.

As a matter of fact, if you look at the one building that is closest to the mother ship -- I will point it out -- this one right here (indicating), we're actually building this entire roadway just so we can have that front-facing appearance on Chili Avenue. It's that important to the development team to really make sure that this project shows well.

One of the things that came up previously in our AAC meeting was that because that's really our frontage, we're going to have to do a very good job dressing up with landscaping. Also with making sure we have clear sight lines, and that is, of course, something we're committed to doing.

Admittedly, currently our landscaping plan probably isn't showing quite a nice landscaping in that area so that is something we're certainly willing to add, we're interesting in adding it. We want to add it. There is no one more interested in making this project look good especially from the street than our development team. That is something we are committed to doing.

One of the other things that this design does is it really improves on the circulation around the building. One of the discussions that we had when we were here last fall and one of the things that came out in a lot of the Town Engineer comments was if you look at the back corner of the original design, you kind of get around that first little quad, it's kind of no man's land back there. No parking areas back there. No access roads. You start to get concerns with respect to safety and fire access. We were really having a difficult time providing access back there with adequate hose drag lines, so if there ever was a fire and the Fire Department ever needed to get to the back side of the building, it was turning out to be pretty difficult.

With the revised design, we have done a few things. First of all, we have significantly increased the building separation there which gives us a lot more room to operate and put sidewalks back there, which we have done. And also that road I was talking about that we're

spending a whole lot of money on to have our building facing Chili Avenue also provides a means for emergency equipment to get over there if they have to.

Now we have taken this almost 750 foot gap where there were no sidewalks or no roadways and really shrank that down to only a couple 100 feet which is, of course, well within firefighting hose drag line capabilities. So I think that from a firefighting standpoint and from a fire safety standpoint, the revised design certainly does a better job providing access all of the way around the building. You will actually see when you look at the end of that road and you look at the end of the other road to the west, we have been addressing Mr. Hanscom's comments and including turnarounds and things of that sort. As we receive those comment letters, I can address any of those comments specifically if you would like me to, but I will say that all of them have -- are extremely technical to answer and I can very confidently commit to responding to all of them very easily.

Couple other things I wanted to touch on quickly and not drag on here, with respect to access, since we did receive our Special Use Permit, the project team has met with New York State DOT. The DOT has agreed to both of our curb cut locations. They're not always anxious to provide multiple curb cuts, but one of the things that we are doing, right in this square here (indicating) is the existing home that is being -- that is going to become part of the overall project. We're not adding any more buildings. All we're doing is basically making this green space and our storm water management.

But currently that lot has two curb cuts. It kind of has a looped driveway. It would be right there if you looked out the back window. By eliminating those two curb cuts, we're eliminating conflict points which the DOT looked favorably on and kind of propagated them to approve our set up here.

Another thing you will notice as Don (Riley) pointed out, we're proposing to install a walk along the north side of the Chili Avenue right-of-way. The DOT was not terribly concerned or did not necessarily support nor are we having an actual crossing in that area. There are a lot of cars coming into Town center that do speed in that area so we wouldn't want to have a mid-block crossing there without a signal light or something like that.

Two things I always end up talking about. Traffic and drainage. The other part of it is the drainage. We are showing some drainage in the front there. This type of drainage these days, as you know, you guys have seen a whole bunch of projects since the DEC new regulations have been in place. They're not the big open sprawling ponds anymore. A lot of times we want them to be because they probably are more aesthetically pleasing, but the reality of the situation is we end up having to do a lot of these infiltration basins where we actually have a sand media built in. The water runs out over the sand, it filters through the sand, an organic material and is collected by an underdrain system, therefore, effectively treating it before it discharges in this case to an existing culvert that crosses Chili Avenue. As much as it looks like a big, blue open water pond, that's not what it is. Certainly this year you could very easily walk across it because it will not be containing standing water for the most part. That is true of all those infiltration basin areas that you kind of see sprinkled throughout the project.

Another point I wanted to make with respect to the new site plan, which is a change from the previous one that was granted the Special Use Permit, we are no longer having the four-unit cottage blocks. We mostly had four-unit cottage blocks, threes last time. Now the largest we go is three. One of the nice things about that and is unique to this particular building is we actually have one patio in the back and then a couple patios on the side. So if you drive down Buffalo Road now and you see some of the really big, long buildings with the long back ends with all these patios lined up next to each other, that is not the case here. Everyone has their own private space. I just thought it was important that we do point that out.

With respect to parking and lighting, parking, um, we have provided pretty detailed parking calculation in our site data on our site plan which the Town Engineer has concurred with. Roughly it works out that at a maximum during shift change over we might have at the absolute maximum 40 employees at the site and a handful of visitors. Very few people in the main mother ship, if you will, have their own vehicles so roughly that's 60 vehicles and then we have 70 spots right out in front of the main building there which builds in for a little bit of that overflow. So we're certainly comfortable with the parking as is the Town Engineer.

The last thing I wanted to mention was the screening. As you can see, we have made a conscious attempt to really focus our screening and landscaping efforts along the property lines where we border those existing single-family homes. We do propose to do a combination of berming and plantings around that entire area.

Just before the meeting, um, one of the residents was expressing her concern specifically for her eastern property line, and I had a chance since that conversation to take a look at that area and that is right where that home would be coming down. And one of the things that that does there, it really opens us up a lot of room to do things. We can put in a -- you know, take a lot of our excess topsoil and put an 8 foot berm in there with something significant. I don't want to say berm and then put a 2-foot berm with a 5-foot pine tree on it and try to portray we did any kind of adequate screening. I really think there is a lot of room there to do something significant which is what we can do.

A couple more comments just to round it out. Similar to what we said last month, everything internal is private, so it is private roads, private structure, no additional costs or maintenance responsibilities that would be coming back to the Town.

So in short, that's the lay of the land with the site plan. Did you want to add anything architecturally? All right. So, of course, we would be happy to answer any questions.

MR. RILEY: One of the concerns expressed during visits out there and appearance in front of the Board and others is the lighting. Would you address the lighting?

MR. SUDOL: Absolutely. I said I was going to and I didn't.

The lighting, this is all residential style lighting. We recognize we're in a residential zoning district, residential area. So we're not proposing 24 foot shoebox LED fixtures. We are proposing 14 foot high, fully dark sky compliant pole top lights you would see in a subdivision. Actually maybe even shorter than in a typical subdivision. We keep those internal to the actual roadways and then we have building-mounted lights on the actual buildings with then some lights in the courtyard.

But certainly, you know, as we try to show in the past, we directed that light internally as much as possible. They're small fixtures. They don't cast a lot of light. We only put them at intersections and spaced pretty generously, not really close together so there won't be any glare or anything like that.

A lot of times with the LED fixtures, the big ones you can have all your light cast forward but people can still -- who are down and maybe the first floor of their homes see up in the glare. That would certainly not be the case with any of our lighting.

MICHAEL NYHAN: Will you have lighting between the current existing residents on Chili Avenue, your main building or the --

MR. SUDOL: No.

MICHAEL NYHAN: No lighting in between in that area?

MR. SUDOL: No.

MICHAEL NYHAN: Okay.

RON RICHMOND: Just one in reference to the lighting. At the end of road C, perhaps there should be -- I see a light at the overflow parking and on the end of the roads. But at the end of road C perhaps there should be a light there as well where that hammerhead or turnaround is going to be. This is the modification.

MR. SUDOL: Yes. I will show you. When we made our modification, we added a light right here which I think is where you're talking about. We are proposing to put one there.

MATT EMENS: Last year when you guys were here, how many, I guess -- it's 109 units or 109 beds.

MR. SUDOL: 109 units in the main building, which is the same as last year. We originally had I -- I believe, 29 cottage units and we now have 37 cottage units. As a result of that, we did submit -- because SEQR determination was made as part of the Special Use Permit so we did send in an updated long form which addressed not only the two-story change, the -- the slight increase in the amount of cottage units and also the subdivision.

MATT EMENS: We have that now you're saying?

MICHAEL NYHAN: We do.

MATT EMENS: What is the status of the CON?

MR. RILEY: We're in the application stage of the CON. Matt (Emens), we're in the application stage and it takes months hopefully, not years. We have been successful in two -- two of our previous, and so we have to know DOH and what their expectations are and we'll try to be as responsive as we possibly can to get that done.

MATT EMENS: You guys already alluded to what we talked about, quite a few things that the -- at the AAC meeting. And back to that point, I know now we extended the hammerhead on the Fire Marshal comments and you talked to Dick (LaCroix) about looking at the solarium.

You know, my -- you know, the fact that that other lot is now gone, we're opening up a pathway to see there that -- at the end of Scottsville-Chili Road and just the concern there, Jess (Sudol), you touched on it, it is not retaining water. It's an infiltration basin, so it is not going to be standing water. And if it is, it would be gone in -- you know, if it was a heavy rain or heavy wet condition -- like you said, we're not having rain now -- what is the longest the water is going to be in there?

MR. SUDOL: Two days absolute longevity.

MATT EMENS: I guess I would just go to the -- you know, go to the -- to the landscape plan. And once again, I just -- I just want to point out that I really want to have you guys focus on that vista, if you will, or the views you will see at the end of Scottsville-Chili Road in your approach out of Chili and into Chili and just making that look nice. As you pointed out, Jess (Sudol), as a concern, that we all -- that we all have is the townhomes face the road, the rear faces the road. I think we just want to take special -- take the time, look at all these details and really take a look at that area, because the rest of it, I think, is an attractive facility. I think the layout is nice. You have increased the green space. My biggest concern is what 90 percent of the people who don't ever drive-thru here will see, and I just want to make sure that --

MR. SUDOL: Yes. That is duly noted. Like I said, I think we certainly can do a better job with that. We previously met with the old design with the Conservation Board in February, but one of the things we'll do in the next step is submitting our revised landscaping designs and go back and meet with that Board again and certainly make sure we incorporate some additional amenities in that whole area to really dress it up, because I totally agree with you.

JOHN HELLABY: Are all of the cottages presently two-bedroom? Were there some single bedrooms planned originally?

MR. SUDOL: I believe they're all two.

JOHN HELLABY: Didn't the original plan have single units in them?

MR. RILEY: Not on the cottages.

JOHN HELLABY: Okay. Briefly, construction schedule idea? I know it's not 100 percent

definite, but what are we looking at timeframe?

MR. SUDOL: We would love to be able to start as soon as possible. Realistically that means late summer at the earliest assuming we get all other approvals wrapped up. These usually take 12 to 18 months to build, so.

JOHN NOWICKI: The map that was given to us tonight from the Fire Marshal, that's -- you have a copy of that? Have you seen the changes that you wanted to be made?

MR. SUDOL: Do you have it? Can I look at it?

MICHAEL NYHAN: It looks like you made some of them.

JOHN NOWICKI: The yellow areas -- do you want a copy?

MR. SUDOL: Nope.

JOHN NOWICKI: All set.

MR. SUDOL: Yep.

JOHN NOWICKI: Then the letter from our Town Engineer, I assume that you have gone over that with them him and addressed all of the --

MR. SUDOL: Yes. Like I said, I think, you know, at this stage of the game -- one of the benefits that we had, when we went back and redesigned this thing, we pulled out our original comment letter from Mr. Hanscom so we kind of used that as a checklist. I think as a result of that, most of the comments -- and there are still some out there, very technical in nature, change the pipe slope, move manholes, that kind of thing, which we can very easily accommodate. Nothing that would really impact the site plan.

I think the turnarounds might have been as a result of Fire Marshal comments, but those are one and the same.

JOHN NOWICKI: Just one other comment. I do you want to Paul Wanzenried right next -- sometime next week I'll stop by and see you in regards to some issue, okay? And the other thing I wanted to point out --

PAUL WANZENRIED: In regards to what?

JOHN NOWICKI: Some issue.

MICHAEL NYHAN: Some issue. You understand that.

JOHN HELLABY: Don't go there.

JOHN NOWICKI: And I did want to point out ---

MICHAEL NYHAN: Thank you for your consideration.

JOHN NOWICKI: -- to members of this Board and anybody that is interested, Mark IV Construction has two beautiful projects in this Town, and Legacy over on Union Street, Chili Avenue and also the townhomes over here on Scottsville Road. They have been there for a long time and are well maintained and beautiful designs. That's all I have.

Thank you.

DAVID CROSS: Just if you can refresh my memory, I remember asking this question the last time, but operationally, where you have this emergency access to the back of the convalescent facility, um, I'm concerned about noise and backup alarms from maybe ambulance or delivery truck or something like that.

MR. RILEY: Well, deliveries -- we have total control over deliveries, and certainly with respect -- remember, now we have folks living there, too. In the cottages and -- and I'm not being facetious when I say that.

Emergencies, to some extent we don't. It -- it is not as regular as -- as you would think. It's periodic, somewhat unpredictable. We have a -- an assisted enhanced memory care unit in Penfield called Grand Vie, and it's wedded to an independent living community called Village Wood, and I'm not aware that they have a lot of noise issues with our residents who live there, and we have a neighborhood behind there. But deliveries we can control completely. And they are scheduled.

We also are sensitive to snowplowing and those kind of things, too. But much like an apartment complex or others, we have to face the reality of getting it cleared.

DAVID CROSS: So you're -- sounds like you take care of it operationally.

Um, and Jess (Sudol), this one is for you. The -- the -- going back to the original plan a year ago or whatever, there was a driveway access off the Animal Hospital to -- to be off their drive. So I don't see that any more.

MR. SUDOL: Yes. You know, to Don (Riley) and the whole Mark IV team's credit, they worked tirelessly with the vets, the two doctors there. Unfortunately, they were not interested in sharing our access. I believe that they felt that maintaining a curb cut on Chili Avenue over the length, course of time, would be kind of an irreplaceable value to them so ultimately they decided they did not want to connect to our driveway.

DAVID CROSS: The DOT is okay with that?

MR. RILEY: DOT understands it and is okay with it. The DOT -- what -- what they live up to is our ability to eliminate a -- an access point right across from one of their highways. They liked that a bunch. We -- we have had recent discussions with our neighbors, too, um, even some discussions with neighbors on either side. Not only the doctors but Patty lives on the other side, just to -- just to -- we don't want -- we don't want to do any encroachment upon anyone.

But we were absolutely committed for safety reasons to have two access points to a community like this. If we didn't have it, someone like -- like your Board or a responsible fire official would be demanding it. The State doesn't care about that. Our residents do. And we do. And to some extent the Town does. So yeah, we -- we entered into a lot of different discussions and Jess (Sudol) was absolutely accurate. They have no interest in connecting them.

DAVID CROSS: Okay. One last comment. I applaud you for proposing the sidewalk

along the north part of the road there. I think that's a big benefit to the residents out there. I don't see it on the plan yet, though?

MR. SUDOL: It's on the plan, the rendering. It is something we have done since we made our submission. Certainly I have to fully credit Mark IV for that. We have other clients at Passero that would, you know, be considered -- way more concerned about the cost and not recognize it for the -- the true amenity it is, not just for our residents but the other people in the area, and they step it up and said put it in.

DAVID CROSS: I think it's really nice.

PAUL BLOSER: Just a couple questions with this revised plan. Your internal sidewalks that cross hatch with the new four cottages -- been around the building -- I'm assuming wintertime those are all going to be kept clean?

MR. SUDOL: Correct. They would all be handled by the onsite maintenance.

PAUL BLOSER: Other question I have, maybe you covered it, but I missed it. On the western side of the building, where you have got -- where I'm assuming your service entrance is?

MR. SUDOL: Yep.

PAUL BLOSER: There are three?

MR. SUDOL: Correct. Or there are two, I'm sorry. This last one looks like one, but it's not quite -- you're referring to these two?

PAUL BLOSER: I'm looking at the three brown ones there.

MR. SUDOL: This one doesn't quite touch the building. It is not really an access point. There are two. That is for service and then also for pickup in the unfortunate event that, you know, an emergency does occur and somebody has to be picked up on a gurney or something. So it's service and emergency.

PAUL BLOSER: The first one, the northernmost one.

MR. SUDOL: Correct.

PAUL BLOSER: The other two are for deliveries and such.

MR. SUDOL: We also have a dumpster back there.

PAUL BLOSER: Where is that denoted on here?

MR. SUDOL: I'm sorry. You have the Fire Marshal plan which is missing some --

PAUL BLOSER: I can see it on the site plan.

MR. SUDOL: It's on the site plan.

PAUL BLOSER: Okay. I have nothing else. Like the new layout. It's nice. I like the additional buildings to each side. I think it's softer approach for a residential area maintaining it.

MR. SUDOL: I agree.

PAUL BLOSER: I like that touch. Very nicely done.

MR. SUDOL: Yes. Instead of having the building right up on Chili Avenue, it's a very good transition and it kind of sits back and hides itself a little bit but still has presence.

MICHAEL NYHAN: Jess (Sudol), just so I understand, where will the sidewalk be along the property line that you're proposing?

MR. SUDOL: Well, we'll start here. There will be a sidewalk along the north side of Chili Avenue, currently proposing a State right-of-way, and it follows our road into the project and loops all of the way around, past our maintenance and through all of the cottages and then connects back out at Chili Avenue. That's the big loop Don (Riley) was referring to earlier.

On top of that, we have some other sidewalks kind of flanking the building so you can have access to all areas of the building.

MICHAEL NYHAN: So this is the north side of Chili Avenue.

Will there be a stub on that sidewalk at Chili Scottsville if people did want to run across the road to the sidewalk at the Town?

MR. SUDOL: That's something we're certainly willing to look at, but that detail will be largely dictated by the State D.O.T. and what they're comfortable with. They're very cautious about promoting people to cross a busy road because if someone unfortunately gets hit, someone has to be at fault.

MICHAEL NYHAN: Sure. And landscaping in my notes, along Chili Avenue, you have some landscaping there. Where are you talking about the landscaping? Interior road C or along Chili Avenue?

MR. SUDOL: I'm talking about right here I think we need to -- something like this (indicating). I think this area presents itself well for some more low-level plantings. Dick (LaCroix) pointed out at the AAC meetings we want to do some higher canopy stuff on Chili Avenue and maybe improve this area with some low-level ground colors.

MICHAEL NYHAN: Great. That is the area I was concerned with adding some landscaping in the front.

MR. RILEY: Let me just add to it -- Jess (Sudol) referred to it earlier. This -- Sue lives right here, and she has a back deck and that was shielded by the house that used to exist here. So he indicated, Jess (Sudol) did, berming and planting and things of that nature. We're going to be responsive to that. We have an opportunity to be responsive to it now.

Miss Rutherman's house was her shield from this (indicating).

MICHAEL NYHAN: Okay. Fire Marshal's comments, I just want to make sure you have all of them. On the eastern entrance to Chili Avenue, when you drew the fire truck swing into that, it looked like it had trouble.

You have that comment, as well?

MR. SUDOL: Yes. We have an island in there that we have to adjust to make sure we get that in there. We'll put a mountable curb on it just to be safe.

MICHAEL NYHAN: The radius at the western portion of road A to the service road, to the back of the main building?

MR. SUDOL: Yes. Absolutely. We can open that up.

MICHAEL NYHAN: The same with the island. It looks like it might have made it, the main island in the front traffic circle?

MR. SUDOL: Yes. That is it, originally the one.

MICHAEL NYHAN: Okay. Good. Pickup and drop off area is at the maintenance I would assume at the front and the emergency vehicles, would they be using that main entrance as well for ambulance for instance or would they use the back?

MR. RILEY: They oftentimes do.

MICHAEL NYHAN: The main entrance at the front that they would normally use.

MR. RILEY: They -- the closest -- typically the side, but in the event of a -- the closest entrance and the main entrance if it is close, it gets used. Clover Blossom's main entrance is oftentimes the direct access point for the EMT team who goes in.

MICHAEL NYHAN: Okay. Does the main entrance have any kind of covering for the dropoff area? Is there any overhang or any type of -- nothing?

MR. LACROIX: No.

MR. SUDOL: Most people who wait to get picked up are able to wait just inside the main entrance and still see out so they're still protected from the weather.

MICHAEL NYHAN: On my drawing I don't have the distance there. So people coming from -- and they park in the front waiting for somebody, can a vehicle still get by them in that traffic circle?

MR. SUDOL: No. That would be a no parking area. We would want somebody to park there.

MICHAEL NYHAN: For pickup and drop off?

MR. SUDOL: They could park and someone could walk out. But, you know, a regular car could still get by them. We would still want to manage that closely because with the fire truck, you wouldn't be able to get through there if there was a car parked there.

MICHAEL NYHAN: But they would be occupied vehicles. So a car could pass by.

MR. SUDOL: Yes. As long as it was an occupied vehicle.

MICHAEL NYHAN: You covered normal delivery times. The distance to the tracks, it looks like a pretty substantial distance.

MR. SUDOL: It's about 100 -- trying -- about 140 to 150 feet from our property line. Another 80 feet to the building. So over 200 foot to the building from the tracks.

MICHAEL NYHAN: Okay. Very good. Very good. The south elevations on the building, I'm sure you presented them at the Architectural Review Board but our plans only had the front elevation. How is that going to look?

MS. OLSON: Yes. I don't know if you want to pass them by. I know ---

MICHAEL NYHAN: Maybe if you could put it up so we could take a look at it if anybody wants to see it.

MATT EMENS: The other one that is helpful is the 3D, the bird's eye view one.

MR. SUDOL: Dick (LaCroix), do you want to speak to the elevation just to point out the solarium?

MR. LA CROIX: This sort of shows the whole building, shows the courtyards and so forth. So I think if you had that up close --

MICHAEL NYHAN: Thank you.

MR. SUDOL: One thing to point out on this elevation, this is the south elevation and this is the solarium where you can see through it and into the courtyard. But right about here (indicating) is where your actual sight line will be deliberately cut off by our proposed landscaping. This length is far smaller than we had, but it will still be broken up by our landscaping and the way it lays out.

ERIC STOWE: We're just going to ask the Board since we are doing SEQR again based on elevation change -- or height of the facility along with the subdivision and the increase in units for the cottages, we'll just need to go through like we did at the last meeting, the full EAF Part II.

MICHAEL NYHAN: Okay. Thank you.

PAUL WANZENRIED: Are you showing snow storage in the infiltration basin = Number 2?

MR. SUDOL: Not intentionally.

PAUL WANZENRIED: And any of the Fire Marshal's comments regarding hammerheads and that and radiuses have all been addressed. But does any of that impact the snow storage that you're showing scattered throughout the neighborhood?

MR. SUDOL: Um, a little bit. I mean a couple of those areas where we had designated some snow storage, but I think in some cases it helps, gives an area to help pull around and push that snow further back. There's a lot of green space on that main road where the cottages are, so I think most of the snow storage will be along the road with opportunities for maybe some of the larger piles to occur here and here and then over in this area here (indicating).

But, you know, they could push the snow off the side of this one or off the back of this one, too. It's tough to tell what the plow is going to do, but he has a lot of opportunities there.

PAUL WANZENRIED: You're responsible for the cottages, as well?

MR. SUDOL: Yes. All managed as one facility.

PAUL WANZENRIED: Okay. No further comment.

MICHAEL HANSCOM: No additional comments.

LARRY LAZENBY: Just a couple of questions. On the plan, the Conservation Board, the first time you came in, we were confused by the phrase "proposed tree line."

Does that mean you're going to plant or when you --

MR. SUDOL: No. That -- that occurs, continues to occur right here. That basically represents the limits of our clearing. So there are different areas throughout the project where we're not clearing to the property line. That is our proposed clearing limits. It would be synonymous with proposed clearing limits.

LARRY LAZENBY: So a large hedge road.

MR. SUDOL: Correct. Or whatever is in there now, but yeah.

LARRY LAZENBY: For a project this size, when you come back to the Conservation Board for the landscaping and stuff, traditionally we get landscaping plans by a licensed landscape architect and not an engineer.

MR. SUDOL: Yes. We work with a landscape architect so our final plans will certainly -- our landscaping architect does the final walk-through and so on and so forth.

LARRY LAZENBY: But the stamp that is on the plans is usually by a licensed landscape architect.

MR. SUDOL: Correct. The plans that we submit for final review will have that landscaping architect. We only pay him to stamp once.

LARRY LAZENBY: There was no checklist indicating cost of the project.

MR. SUDOL: We wanted to, you know, get some resolution with the final site plan hopefully with some form of approval. Then we can nail down our project costs and do our calculation that we have done for the Conservation Board before to demonstrate the 1 percent compliance. I assume that's what you're getting at.

LARRY LAZENBY: That's what I'm getting at. The final question I had was you mentioned -- you had referred to taking over the Herman plot and that's going to become a part of the project. And to benefit the next plot next to them you were going to consider doing a berm and plantings as a visual barrier for that home there.

Did I hear that right?

MR. SUDOL: Yes, you did.

LARRY LAZENBY: Okay. Are you considering the same type of berm planting along the back of the other property lines so that the people who live there who would have never had anything like that in their backyard -- I -- you know, I don't care what kind of lighting you put in, um, when generations of families have -- have lived there, it has never been there, if -- if you're willing to put a berm in, to block the -- the one residence from the east's view, then I would say for the quantity of soil and everything that is going to get moved back there, that it would be easy enough to create a berm along that back entire property line and then go ahead and do some plantings also on top of that to benefit all of those people.

MR. SUDOL: I totally agree. The answer, the quick answer is yes in that we're absolutely proposing to do what is best for each of the neighbors in terms of screening.

So we are proposing dense landscaping all of the way around. I will say the one thing about berms that you want to be careful about is I don't want to -- when you take a home down, there is going to be nothing there so we can build a berm back up. But we want to be careful about promising any kind of large berms along that back property line because we don't want to disturb existing vegetation when we don't have to. So what we do is take a look at the existing vegetation that is remaining up to our clear limits and then we heavily supplement that with new plantings. I wouldn't want to necessarily agree to a berm that wipes out existing vegetation that provides far more benefit than what we plant.

LARRY LAZENBY: Most of the large developments that have put the berms in, they have taken hold extremely well. The small shrubs are or even larger trees that are planted in the proper manner staggered wise and also on the side and not on the top -- which is usually a big mistake. When they have taken hold, the combination of the berm and the plantings create a barrier considerably faster than putting some shrubbery in that is -- by the time shrubbery takes effect of -- of being any type of a visual or sound barrier for these people, um, they're doing -- they're going to be long gone. They -- they won't be around long enough to even benefit from it. So, you know, that's -- that's just our recommendation. As far as if you can do it on the east, I would suggest doing it on the north, as well.

MR. SUDOL: There has been two things that we have really been conscious enough since day one when we brought this proposal forward and they both have to do with our neighbors. First one is what are we going to do for screening in terms of berming and planting and screening existing vegetation. We're certainly committed to providing the best solution which is a combination of all three, I believe.

The second part has to do with drainage. Right now that back area is not very well drained and there is an existing culvert that comes across from the park on the other side of the tracks and leads to a lot of bad drainage, especially down in that corner. But what our project gives us opportunity to do is take that drainage, convey it to a design area and then get it over to the culvert so it gets across Chili Avenue after it is treated in our infiltration area. So we have seen it as an opportunity to lessen our impact by improving the screening and by greatly improving the drainage.

MICHAEL NYHAN: Larry (Lazenby), they still have to provide the required checklist then, is that what I'm hearing?

LARRY LAZENBY: We ---

MICHAEL NYHAN: To the Board.

LARRY LAZENBY: We really did not get the required checklist, which would include all of the information the gentleman mentioned, the lighting as well as anything associated with a license landscape architect. What they did submit was nice, but again, the question we raised for a project of this magnitude, we always look for a licensed architect.

MR. SUDOL: Like I said, we have been working with one all along. We're just waiting to get to a point where we're comfortable nothing will move much and then we'll nail it down and wrap it up.

MICHAEL NYHAN: I get what you're doing, but I will put it as a condition here.

MR. RILEY: I just have one thing. Recently, we're completing the landscaping at our community on Maiden Lane, and throughout the -- before, during and now almost after, Brian and I work actually on the site with the neighbors and we're actually doing the landscaping with them, Steve DiMarzo himself, one of the owners participated and we have done an initial shot of our landscape plan which was accepted and adopted and now we're doing some of that in fill.

We also worked with some of our neighbors here. They have -- as is understandable, they have been using part of that land for theirs, for years. It's very understandable and normal. There is some -- somebody built, and not the current owner -- somebody built this big telephone pole swing, and he -- he is scared to death of it and he said, "Will you please take it down?"

It's on our property. I said, "Okay."

He is scared to death to let anybody on it. There is also some trees that we'll do our best to preserve that are technically ours, but they're mature and they work. So Jess (Sudol) is absolutely right. And we'll walk -- literally as we do it, we'll work with our neighbors back there.

Anthony (DiMarzo) indicated when you build berms, it sounds exciting. We build berms more than anyone in Monroe County. You're right they do create a maturity pretty quickly, but we don't want to mess up any drainage improvements we can pull off. We're not at all reluctant to do any of it. And we'll literally do it lot by lot if we have to.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: The question I would have, and I really only have one question is about this infiltration area. How deep will that be? What I'm -- what I'm hearing is it will not have water in it, only for two days maybe at a time, but is that going to be able to be mowed? And maintained?

MICHAEL NYHAN: Sure. Jess (Sudol) -- is that a grassy area on the surface? What does the surface look like and how --

MR. SUDOL: Yes. It will be mowed and maintained largely. There are some areas more subject to staying wet. You won't want to drive a lawnmower through there. We might do some more hardscapes with that. There would be no permanent depths. It would only be, you know, a few feet deep. There might be a few what they call forebays or micropools, but again, those are only a few feet deep. There is certainly -- anything that you do has to be in conformance with the DEC regulation. As much as the DEC regulations are about quantity and quality, they're about safety. So they have all these other different design requirements that are built in to address safety assuming that is what the concern might be. I knew that was a concern a decade ago with that original project.

MS. BORGUS: The reason I ask that is there is a pond down at the Microtel, and I was under the impression, too, that that was -- that that would drain. I don't believe it's meant to hold water. I was under the impression that would be mowed and maintained. Well, it's a terrible eyesore now. It's just awful. And the motel is beautiful, very well kept but that -- but that area -- I guess you don't call it a pond. I mean there is all these weed trees growing up in it. It's a mess. I'm thinking if that same thing were to occur here, you would really have a visual problem.

But it would be maintained as grass, I understand?

MICHAEL NYHAN: That's what I am hearing.

MR. SUDOL: Mostly grass.

MICHAEL NYHAN: Mostly grass and where the microponds are would be hardscaped.

MR. SUDOL: Yes. Combination of the two. DEC forces us into these design solutions, as they call them, that aren't aesthetically pleasing. So we do our best to meet the requirements and make it look nice. But I totally agree so many of these ponds are designed to turn into cattails and swamps unfortunately. But we'll try to avoid that.

PAUL ENSSLE, 3390 Chili Avenue

MR. ENSSLE: Paul Enssle, 3390 Chili Avenue. I just had a couple of questions here. What is the distance between here and this property line and these -- these houses right here? Do you know?

MR. SUDOL: The buildings are maintained at a minimum of 30 feet, I believe. The road there is getting pretty close. I think we might want to pull that back. It is showing it would be within 5 feet and I don't think we could do that.

MR. ENSSLE: I own this property here. I was just wondering also what -- this is just a barrier you will leave woods right here?

MR. SUDOL: Correct.

MR. ENSSLE: If I walk behind my house, will I actually see this building from my property, be able to look right at it?

MR. SUDOL: If you walked to your property line, you would be able to see it.
MR. ENSSLE: Lighting back here, too?
MR. SUDOL: No. All of the street lighting is on the other side. There might be a little light just over the back door, but nothing you wouldn't see with a normal family residence.
MR. ENSSLE: Sidewalk will end here, not in front of my house?
MR. SUDOL: Yes.
MR. ENSSLE: Because it would be in my porch if it did.
MR. SUDOL: We don't want that.
MR. ENSSLE: Okay. I think that is all I have right now.

PATRICIA GENDREAU-PICKERING

MS. GENDREAU-PICKERING: My name is Patricia Gendreau-Pickering and I live at 3378 and 3380 Chili Avenue. Mine is the last two lots at the very end -- those two right there. So most of my questions are relative to what is going to happen right down there.

The first one being is that it was my understanding that that was just a right-of-way. So now that there is going to be the additional curb cut, is that right-of-way sufficient for a full two-lane road and a sidewalk? That's my first question.

MICHAEL NYHAN: From the plans it looks like it is, but, Jess (Sudol), can you confirm that for me?

MR. SUDOL: Yes.

MS. GENDREAU-PICKERING: Is it fair to say the stakes out on Chili Avenue showing that right-of-way are incorrect? Because I have actually measured where I believe my property line is, and it is the one stake that is there. And I don't know if there has actually been -- if that is -- has been taken care of. But if I believe the stakes, it's not very wide.

MR. SUDOL: I'm not sure what the stakes are.

MICHAEL NYHAN: Nothing has been done to the property as far as stakeouts, correct?

MS. GENDREAU-PICKERING: They go back. Yes. They have been there for a long -- I think --

MICHAEL NYHAN: Before -- before --

MS. GENDREAU-PICKERING: -- for years. Those stakes have been there for years.

MICHAEL NYHAN: And before the final plans are signed off on and approved, our Superintendent of Highways as well as our Town Engineer will review that to make sure they're following and conforming all of the --

MS. GENDREAU-PICKERING: Right in the middle of the right-of-way is the fire hydrant. Where will that go?

MR. SUDOL: Moved over.

MS. GENDREAU-PICKERING: Where? Which direction?

MR. SUDOL: West, I believe.

MS. GENDREAU-PICKERING: So heading toward Chili Animal?

MR. SUDOL: Let me double check to be sure.

MICHAEL NYHAN: You're showing it on the east. Showing it on the east side of the driveway.

MR. SUDOL: Actually, that hydrant is at our property corner. It is not in the middle of the right-of-way.

MS. GENDREAU-PICKERING: Oh, it's in between those two stakes.

MR. SUDOL: That's not the right-of-way.

MS. GENDREAU-PICKERING: So it is currently where relative to your property line, the east or west?

MR. SUDOL: It is actually right on our property corner. The hydrant is right on that corner.

MS. GENDREAU-PICKERING: So on the east.

The east side, okay.

MS. GENDREAU-PICKERING: And it will or will not have to be moved?

MR. SUDOL: I don't believe it will have to be moved because our driveway avoids it.

MS. GENDREAU-PICKERING: Okay. So the driveway will be to the west of where the hydrant is?

MR. SUDOL: Yes.

MS. GENDREAU-PICKERING: On the road going back, which side of the road will the lights be on?

MR. SUDOL: The west side. Where we put the sidewalks --

MS. GENDREAU-PICKERING: That was my next question.

MR. SUDOL: Away from your property as it goes in.

MS. GENDREAU-PICKERING: So the lights will be further away from me?

MR. SUDOL: Yes. We have intentionally crossed over here to do that.

MS. GENDREAU-PICKERING: The next question is, there -- I have a whole line of trees on the western end of that property. Some are very significant trees. Are the majority of those going to stay?

MR. SUDOL: Any trees on your property will stay.

MS. GENDREAU-PICKERING: What happens if the property line goes through the middle of a 50-year-old pine?

MR. SUDOL: I think we have enough separation and green space and this road is not on a lot of fill or cut. We should be able to maintain.

To Don (Riley)'s point, if it came into question and was a significant tree, we wouldn't just knock it over and make sure if we really had to. If it was on the property line, I think it should be fine.

MS. GENDREAU-PICKERING: I'm to the point where I was almost going to have it surveyed because it was my understanding that the owners I bought the house from planted those trees on what they thought was their property and now I'm wondering if I got a bum steer on that. The sidewalks, you mentioned that you would be taking care of maintaining the sidewalks in the winter. Does that mean the one on Chili Avenue, too? Or is that the Town?

MR. SUDOL: That's in the right-of-way so that wouldn't be for us to maintain.

MICHAEL NYHAN: Will you be dedicating that to the Town?

MR. SUDOL: Yes. They would be in the right-of-way.

MS. GENDREAU-PICKERING: So the Town now is responsible for doing that sidewalk?

MICHAEL NYHAN: That's correct.

MS. GENDREAU-PICKERING: They often times have a hard time doing the sidewalks on the other side of the railroad tracks. Now -- okay.

Next question is on the sidewalks out in front of all of the homes we have a sizable ditch, a drainage ditch. Where do sidewalks go relative to our current drainage ditch in front of all of the homes?

MR. SUDOL: Just to the north of it.

MS. GENDREAU-PICKERING: To the north. So I will have less lawn to mow?

MR. SUDOL: Yes. If that's good.

MS. GENDREAU-PICKERING: Um ---

MICHAEL NYHAN: So excuse me, ma'am. The drainage ditches will remain? They won't be piped?

MR. SUDOL: That's the idea. We'll try to maintain them open as much as we can because that is what -- sustainability and those things these days. So we looked at it and when we started talking about the sidewalk, there is a pretty good line we can see that goes just along the edge of the ditch on the north side. There may be some areas where you get into a pinch point where you have to pipe some of it, but that's our intention right now.

MS. GENDREAU-PICKERING: They're piped now. They are going over the driveway.

MR. SUDOL: There are culverts.

MS. GENDREAU-PICKERING: So they will stay?

MR. SUDOL: Correct.

MS. GENDREAU-PICKERING: The sidewalk will go. So does the sidewalk go across our driveways?

MR. SUDOL: Yes.

MS. GENDREAU-PICKERING: Onto the question of a berm. I would prefer not to have a berm in the backyard. I would rather look at the trees and see the building behind them than to look at a mound of dirt. So if I have any -- any say in what goes back there. Because I have the same concern about trees that are at the back of my property, as well. Because I have several that are there that I believe, based on those same stakes, um, are -- are my trees. That there are some substantial trees.

And what is your thought as far as how many feet from the property line where you will maintain the current foliage and trees? We haven't walked behind mine, have we?

MR. RILEY: Patty (Gendreau-Pickering), no, but I would be more than happy to.

MR. SUDOL: Looks like about 15 feet right now where we're proposing to supplement and not do any grading.

MS. GENDREAU-PICKERING: That would cover all of the trees that are back there.

Last on my list, speed limit, it was brought up last year about the idea of the speed limit on Chili Avenue, that the speed limit doesn't change until you get to the middle of my front yard, but people are doing 50 miles an hour as soon as they cross the railroad tracks.

And now you're saying that maybe the DOT doesn't want to put a crosswalk in because of the traffic. Maybe if we could get the DOT to extend that 30-mile-an-hour zone, not only might they allow a crosswalk, but it certainly would help the neighbors, the Chili -- the Animal Hospital, Unity across the street and the church.

Getting out of our driveway on Chili Avenue right now is horrendous. We have to sit and wait, five, six, seven minutes sometimes to get out because the people coming down both directions are -- are speeding. So if there is anything, and I think it was brought up, and I think, Don (Riley), you may have said that we were going to -- to discuss it.

MR. RILEY: When we met with the State, we did raise it with them. We -- we talked about all of the issues related to connecting, and Dave Gehring is the gentleman we met with. I said you -- the residents that we have talked to have a real serious issue with speed and we support any reduction in the speed limit you can raise. Maybe we have to formalize that. We would be more than happy to --

MS. GENDREAU-PICKERING: We might get a crosswalk for people going to the library. It would be nice for people in the development to walk across safely to Chili Avenue to the library. Okay. That was my list. Thank you.

MICHAEL NYHAN: Thank you.

JIM DAMBRA, 75 Shrubbery Lane

MR. DAMBRA: Jim Dambra, 75 Shrubbery Lane. My property backs up to the parking lot. And there is a row of trees now, but come November, I will have -- it will be lit. Been there

43 years and they cleared last summer. I can see the Town Hall now. So come November, I'll have a clear shot to your property. I would prefer a berm in back.

MR. SUDOL: You're the other side of the tracks?

MR. DAMBRA: Other side of the tracks. There are seven houses that will be affected.

MICHAEL NYHAN: I think where the two cottages are, the --

MR. SUDOL: Here (indicating)?

MICHAEL NYHAN: Yes. Where the houses are. That is where your house is.

MR. DAMBRA: Yes. I have got a deck, a pool back there and I would really prefer a berm as opposed to just that tree line that has been cleaned to one line of trees on the back of your property.

MR. SUDOL: I'll certainly look at that. It's a little tougher to commit to there because we're cutting into the hill, but we're trying to get rid of topsoil ultimately so wherever you can put a berm, we will.

RICHARD PERRY, 42 Omega Drive

MR. PERRY: Richard Perry, 42 Omega Drive. I'm a member of -- neighbor of Jim's. Just a couple of things. Number one, we hear about traffic and the -- the walk there, the -- the sidewalk there. Jim (Dambra) and I ride our bike along there for all of time, and my dad, may God rest his soul, was a member of the Legacy in Tonawanda, New York and they watch them very closely. Don't let people walk out there. With all due respect, that is a dangerous area to be. We have to keep our eyes open.

Jim (Dambra) and myself for years have been running a bike along there. That's not a good idea. Keep them back there because if you say you will walk along the street, that will not work, sir, okay? Just from years of experience along there. You have to watch out and trying to keep my head safe.

Jim (Dambra) has already talked about the berm. The trench. You talked about the drainage. That drainage trench goes right behind my place over on Omega Drive. We have had swellings, I can tell you, water to the road and then it trickles out. You have to be very careful. They will be searching in there like you would not believe. We had kids pull them out because they were riding in rafts down there. When you're saying you expect that's a very nice easy flow out of water out there, I warn you, sir, it can be quite treacherous.

I also have other neighbors that actually have heard about this and they already moved, Jenny and Joe, but they also live a couple houses down, but it is kind of getting back to the point people are really getting antsy about this.

I think about this as a pizza wedge. I know there is a lot of great properties laid out. That's an awful small area there. And I'm thinking of all -- I know this has been all well thought out, all of the area of Chili and this is a really small wedge there. I just asking myself why put something in that close, okay? But I will leave it there.

The last thing is the railroad tracks. I'm kind of a rail bluff. 45 times. When Shell Oil gets back up to \$100, you will have seven, eight, nine trains coming through there all of the time. They're going to be a safety issue.

But I also question about the fact that elderly residents don't react well. Again, my dad, with loud noises. Those trains go through in the middle of the night. With all due respect, why would you put it so close to train tracks. I realize it is the West Shore sub, not the CSX main line, but there is real issues there and people can get disoriented.

I'll leave it for what it is. Thank you very much.

SUE SMITH, 3370 Chili Avenue

MS. SMITH: Sue Smith 3370 Chili Avenue.

And we talked earlier, because my house is the one on -- yeah. Yes. That one. Which my deck is on the second floor, so plantings isn't going to cover Chili Avenue from there. Right then when we look over, we see the house and that shields us from Chili Avenue. But plantings isn't going to do it. So I don't know what else can be done.

MICHAEL NYHAN: One of the areas I heard both Don (Riley) and Jess (Sudol) both say they will work with the neighbors and it was an area you mentioned would possibly -- there would be a berm to the east.

MR. SUDOL: That's an area we can firmly commit to because there is a lot of space there we can use.

MR. SMITH: I wouldn't want to see a berm in this part (indicating), because that's going to block us in here, this whole part here (indicating).

MR. SUDOL: Right now we would only put the berm in this area here (indicating) to block your line of sight. But right now we're just proposing enhancing the existing plantings back here. A, we don't want to impede drainage; and B, we don't want to disturb a lot of area back there. I think that was one of the comments from the other.

MR. SMITH: That's my concern, seeing Chili Avenue from there.

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

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

There was a discussion at the dais.

ERIC STOWE: To clarify, I did hand you the Part II of the full EAF, and what that requires, since a full EAF was submitted, is just going through the 18 questions on Part II. And having a Board discussion. We did this at the last meeting. We previously did SEQR. But just going through those and having the Board discuss if there is a "yes" answer, you need to answer the sub question with respect to whether it be no or small impact or moderate to large impact.

MR. SUDOL: Mr. Stowe, just maybe for the stake of everyone's -- or efficiency of this, would it be satisfactory for things that haven't changed, for example traffic, energy, all these different things might not make a lot of sense to discuss them again. Is it possible is just to refer to the original determination on file?

ERIC STOWE: My only concern with the traffic is that number of units for the cottages have increased and you have a second access road.

MR. SUDOL: Access road was always there.

ERIC STOWE: Just trying to be thorough and protect everybody on it so it is covered. I get it has largely been reviewed, but just with those changes and I mean realistically, I can only think of two that imply, just the impact on land and transportation. Those would be the two I see that would realistically apply.

MR. SUDOL: Fair enough.

MICHAEL NYHAN: Each of these are just for discussion.

ERIC STOWE: That's correct.

MICHAEL NYHAN: So we'll complete the Part II of the full Environmental Assessment Form, go through the 18 questions.

The first one is the "Impact on land."

"Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site."

Of course doing that, that is yes.

"The proposed action may involve construction on" -- these are sub questions relative to land.

"The proposed action may involve construction on land where depth to water table is less than 3 feet." I think you determined it was greater than 6 feet; is that correct? So I think that is a no. Small impact.

"Proposed action may involve construction of slopes 15 percent or greater." That is also "no" on the EAF form that we have.

"Proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface." Answer on that is also "no" based on the part 1.

"The proposed action may involve the excavation and removal of more than 1,000 tons of natural material."

You'll be removing more than 1,000 tons of natural material?

MR. SUDOL: It would only be some topsoil, so it would be small. Or "no."

MICHAEL NYHAN: "The proposed action may involve construction that continues for more than one year or in multiple phases."

MR. SUDOL: One would be one phase.

MICHAEL NYHAN: I believe the duration was 18 months; is that correct?

MR. SUDOL: Right. Might be a little over a year, but...

MICHAEL NYHAN: Okay. "Proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides)."

I don't believe there is any of that that would be there.

"The proposed action is, or may be, located within a Coastal Erosion hazard area."

That is "no."

Any other impacts the Board can see that may be significant?

Second question, "Impact on geological features. The proposed action may result in the modification or destruction of, or inhibit the access to, any unique or unusual land forms on the site (e.g., cliffs, dunes)."

JOHN HELLABY: No.

MICHAEL NYHAN: "Impact on surface water. The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes)."

JOHN HELLABY: No.

MICHAEL NYHAN: "Impact on ground water. The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer."

You're using public water supply, correct?

MR. SUDOL: Correct.

MICHAEL NYHAN: "The proposed action may result in development on lands subject to flooding." I think we do have a plan in place, so that would be "no."

"Impacts on air. The proposed action may include a State regulated air emissions source." None has been identified.

"Impacts on plants and animals. The proposed action may result in a loss of flora or fauna." I believe that would be "no."

"Impact on agricultural resources. The proposed action may impact agricultural resources." There is no agricultural resources there. That is "no."

"Impact on the aesthetic resources. The land use of the proposed action are obviously different from or in sharp contrast to current land use patterns between the proposed project and

the scenic and aesthetic resources."

JOHN HELLABY: No.

MICHAEL NYHAN: "Impact on historic and archeological resources. The proposed action may occur in or adjacent to a historic or archaeological resource."

JOHN HELLABY: No.

MICHAEL NYHAN: "Impact on open space and recreation. The proposed action may result in a loss of recreational opportunities or a reduction in an open space resource as designated by an adopted municipal or Open Space Plan."

JOHN HELLABY: No.

MICHAEL NYHAN: "Impact on critical environment areas. The proposed action may be located within or adjacent to a critical environmental area."

JOHN HELLABY: No.

MICHAEL NYHAN: "Impact on transportation. The proposed action may result in a change to existing transportation systems."

JOHN HELLABY: Yes.

MICHAEL NYHAN: Okay. So the sub questions, the answer to this would be "no" or small impact may occur, or moderate or large impact may occur.

"Projected traffic increases may exceed capacity of the existing road network."

JOHN HELLABY: Small impact.

MICHAEL NYHAN: We have a traffic study.

"The proposed action may result in construction of paved parking area for over 500 or more vehicles."

JOHN HELLABY: No.

MICHAEL NYHAN: "The proposed action will degrade existing transit access."

JOHN HELLABY: No.

MICHAEL NYHAN: "The propose action will degrade existing pedestrian or bicycle accommodations."

JOHN HELLABY: No.

MICHAEL NYHAN: "The proposed action may alter the present pattern or movement of people or goods." That is no.

Are there any other impacts relative to transportation?

JOHN HELLABY: No.

MICHAEL NYHAN: "Impact on energy. The proposed action may cause or increase in use of any form of energy."

JOHN HELLABY: Increased. Yes.

MICHAEL NYHAN: Sub questions are, "The proposed will require a new or upgrade to existing substation."

"Proposed action will require the creation or extension of energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use."

Small impact or large or moderate impact?

JOHN HELLABY: Small.

MICHAEL NYHAN: "Proposed action may utilize more than 2500 megawatt hours per electricity per year."

You done a study on that, Jess (Sudol)?

MR. SUDOL: Yes. Far less than that.

MICHAEL NYHAN: Far less than that. The Board is good with that.

"The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed."

What is the square footage of this building?

MR. SUDOL: It would be slightly over. The main building is just over 100, and then you have the cottages, but it's just over.

MICHAEL NYHAN: Just over.

MR. SUDOL: Small, I think.

JOHN HELLABY: Small impact.

MICHAEL NYHAN: Any other impacts on energy the Board can think of?

JOHN HELLABY: No.

MICHAEL NYHAN: Okay. Impact on noise, odor, light. "Proposed action may result in an increase of noise, odors or outdoor lighting."

We saw an increase. However, it was, um, the dark sky lighting compliant lights. This would be "yes" or "no." Let's go through the sub questions then.

I will say yes, "The proposed action may produce sound above noise levels established by local regulation."

"Proposed action may result in blasting within 1500 feet of any residence, hospital, school, licensed daycare center or nursing home."

JOHN HELLABY: No.

MICHAEL NYHAN: "The proposed action may result in routine odors for more than one hour per day."

I can't think of anything.

"Proposed action may result in lights shining onto adjoining properties."

We have asked that question and it has been addressed. You agree that would be no?

JOHN HELLABY: Yes.

MICHAEL NYHAN: Or small impact.

"The proposed action may result in lighting creating sky glow brighter than existing area conditions."

We have already requested dark sky lighting. Any other impact in that area?

MICHAEL NYHAN: "Impact on human health. The proposed action may have an impact on human health from exposure to new or existing sources of contaminants."

JOHN HELLABY: No.

MICHAEL NYHAN: "Consistency with community plans. The proposed action is not consistent with the adopted land use plans."

As part of the Master Plan, reviewing the Master Plan, this is consistent with what is in this area -- does everybody agree with that? Okay.

"Consistency with community character. The proposed project is inconsistent with the existing community character."

Okay. That was a question 18.

JOHN NOWICKI: I never seen that one.

JOHN HELLABY: It's a long form.

MICHAEL NYHAN: It is a long form.

So in summary, there were no moderate to large impacts on any of the questions or sub questions involved.

Based on that, I would assume that this would be an unlisted action, correct?

ERIC STOWE: It is an unlisted action.

What you would need to do is now follow the same, as you would, if we hadn't done that, adopt the resolution, but as part of that, the resolution would direct that you sign Part 2, and also Part 3.

MICHAEL NYHAN: Okay. As an unlisted action, correct?

ERIC STOWE: Well, assuming it is a declaration, unlisted action with a declaration and directed action to sign parts 2 and 3.

Michael Nyhan made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, and in completion of the long form Part 2 Full Environmental Assessment Form determine the application to be an unlisted action with no significant environmental impact.

ERIC STOWE: Can we just add and direct to sign Parts 2 and 3 accordingly?

MICHAEL NYHAN: Okay. I would will be signing Parts 2 and 3 of the long form accordingly.

JOHN HELLABY: I'll second that.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: Thank you for the help, your Honor. (Laughter).

So we have two applications, one for preliminary site plan. We'll take a vote on each one separately. I believe they're requesting waiver of final on each the preliminary site plan approval as well as preliminary subdivision approval.

Paul (Wanzenried), I believe they have paid for final; is that correct?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: We can waive that. Okay. Seeing him nod yes.

So we'll go through the conditions of approval. We'll start with the preliminary subdivision.

Are there any conditions of approval for the preliminary subdivision?

JOHN HELLABY: County Comments.

MICHAEL NYHAN: Okay. County Comments. Commissioner of Public Works.

Mike (Hanscom), did you wish to review that again for the preliminary plan, any --

MR. SUDOL: Subdivision.

MICHAEL NYHAN: Or preliminary subdivision, I'm sorry? Did you need further approval on that or any sign off?

MICHAEL HANSCOM: I don't believe so.

MICHAEL NYHAN: In your letter it normally says you don't, but I just don't recall than one.

JOHN HELLABY: He said he didn't.

MICHAEL NYHAN: Are there any other conditions that the Board can see other than the applicant shall comply with all pertinent Monroe County Development Review Committee comments for the subdivision? No. Okay.

So the only condition on the preliminary subdivision is the applicant shall comply with all pertinent Monroe County Development and Review Committee comments.

With that one condition, I'll take a vote on the preliminary subdivision for Legacy at Chili Park, LLC and waiver of the final.

The Board was unanimously in favor of the motion.

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

1. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.

Note: Final subdivision approval has been waived by the Planning Board.

MICHAEL NYHAN: Approved 7 to 0.

For the application of the preliminary site plan approval, four conditions of approval. I'll read the standard ones.

Please let me know if there are any additional we need to add.

Applicant shall comply or shall supply a landscape plan stamped by licensed landscape architect along with the required checklist to the Conservation Board for review and approval.

Applicant to comply with landscaping plan approved by Conservation Board.

Upon completion of the project, applicant shall submit Landscape Certificate of Compliance to the Building Department and the landscaping architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

Approval is subject to final approval by the Town Engineer and the Commissioner of Public Works.

Town Engineer and the Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.

Applicant shall comply with all pertinent Monroe County Development Review Committee comments.

All previous conditions imposed by this Board are still pertinent to the applicant -- application remain in effect.

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and all filing information i.e., liber and page numbers shall be noted on the mylars.

Applicant shall submit building design elevations for the Architectural Advisory Committee for their review and recommendation. I believe that has been done, but you have a follow-up meeting; is that correct?

MATT EMENS: That's correct.

MICHAEL NYHAN: Building permit shall not be issued to the applicant -- the applicant complies with all conditions.

Applicant is subject to all required permits, inspections and code compliance regulations. And this is subject to the approval of the Town Fire Marshal.

ERIC STOWE: Can you just add one, just compliance with the special permit that was previously granted?

MICHAEL NYHAN: Yes.

ERIC STOWE: The Special Use Permit.

MICHAEL NYHAN: To reread this one, compliance with the previously approved Special Use Permit cover that?

ERIC STOWE: (Eric Stowe indicated non-verbally.)

MICHAEL NYHAN: Okay. Paul (Wanzenried), did you have any other conditions you wanted?

PAUL WANZENRIED: No.

MICHAEL NYHAN: Any other conditions from the Board from what I just read?

Based on conditions of this approval, for the preliminary site plan and the waiver of final, do I have a vote?

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

1. The applicant shall supply a landscape plan drawn by a Licensed Landscape Architect along with the required checklist to the Conservation Board for review and approval.
2. Applicant to comply with the landscaping plan approved by the Conservation Board.
3. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
4. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
5. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
6. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.

7. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
8. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
9. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
10. Building permits shall not be issued prior to applicant complying with all conditions.
11. Application is subject to all required permits, inspections, and code compliance regulations.
12. Subject to approval by the Town Fire Marshal.
13. Compliance with previously approved special use permit.

Note: Final site plan approval has been waived by the Planning Board.

MICHAEL NYHAN: Last piece of business before we adjourn, I make a motion before we adjourn to approve the Chili Planning Board minutes from June 14th of 2016.

JOHN NOWICKI: Second.

The motion was approved by a vote of 6 yes with 1 abstention (Michael Nyhan abstained.)

The meeting ended at 9:03 p.m.