

CHILI PLANNING BOARD  
April 11, 2017

A meeting of the Chili Planning Board was held on April 11, 2017 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: David Cross, Matt Emens, John Hellaby, John Nowicki, Ron Richmond and Chairperson Michael Nyhan. Paul Bloser was excused.

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.

PUBLIC HEARINGS:

1. Application of Ferrari's Pizza Bar, 3240 Chili Avenue, Suite B-18, Rochester, New York 14624 for preliminary site plan approval to allow a 24' x 80' outdoor patio dining area at property located at 3240 Chili Avenue, Suite B-18 in G.B. zone.

Robert Avery, Joe Ferrari and Steve Orenstein (phonetic) were present to represent the application.

MR. AVERY: Good evening, Robert Avery, land surveyor. I'm here on behalf of the applicants who are also here, co-owners Joe Ferrari and Steve Orenstein (phonetic), right here. And they're before you this evening to obtain approval for a proposed patio on the north side of their leased space in the Chili/Paul Plaza.

The patio will be used, of course, during the warmer months which we have a few of here. And the proposed patio is located just immediately north of -- north of the building and it's 83 feet by 23 feet proposed, 1900 square feet.

Now, we're also proposing 2 foot square pillars around the perimeter to cordon that off as its own space obviously and for protective reasons.

Currently in that area now, you might be asking what is there. There are existing seven parking slots that are there now. We plan on saw-cutting that pavement out, stamp concrete down for the patio itself. And the -- 8 foot on center pillars surrounding it.

We also are portraying three fire pits -- up to three fire pits on the drawing so that they can be used in the cooler evenings in early summer and late summer.

We have indicated on the detail for the pillar that they're going to have decorative lanterns on the top of them. We are also proposing to add two handicapped spots just to the north of the patio area. We're not losing any handicapped slots necessarily, but we're adding two any ways because, I think, we might have been at or a little bit under requirement. Losing the six -- the seven spaces there doesn't really affect the required parking for this use based on what I can come up with.

We actually have quite a few -- probably double the amount of parking that is needed for this use, both inside and the proposed outdoor area. Inside, currently, 36 slots are required and with the additional tables here, we're generically showing 17 tables there. 82 people to roughly sit. This is a generic seating plan. Whether that is reality or not, I don't know. That is probably high end. But with those additional seating for the -- for the restaurant, 23 additional spots would be needed on top of the 36 for the indoor portion currently under operation. Adding those two together would be 60 and there are 123 total slots in that northwest quadrant of the parking lot within the 250 foot from the door of the business per the Town Code. So they're basically for that use any ways, because Town Code indicates you have to have the parking slots within 250 feet of the entrance. And we have double the amount of parking. So the loss of the seven slots we don't feel that that is a hindrance.

We received comments from the Town Engineer, Michael (Hanscom), and we have addressed all those comments. The letter dated April 5th from Michael (Hanscom). He had some concerns and questions regarding the patio area. Asking if the stone pillars, railing and the lights are to be installed and in place year round. The answer would be yes. They're going to be installed. They're down 2 foot on the footers of those 2 foot square pillars. They will remain in place all year.

And we have shown the section there so far as the installation of the pillars, details right on the drawing. The cross-section. We have also indicated the installation detail showing the material of construction basically masonry. The decorative stone. We're hoping that the Building Department will take a look at that in depth along with the railing, the type of railing to be connected in between the pillars to their liking. Over there now, if you have been over to the

plaza lately, you will notice there are some of these pillars alongside of the -- oh, I guess it would be the -- well, the old nightclub there on the side. They're connected with 2 inch -- 2 or 3-inch iron pipes between them. So it is a pretty simple railing that they have there. I do have pictures of that. Just so you can see what's there if you haven't already.

These are located just to the east. You can see over here the stone. These are weathered wood look on this one and the other one, but you will see the black iron pipes, bars between them. So we have gone over the -- what the pillars consist of and that they're going to be there year round permanently affixed into the pavement.

There was a question on the -- if anyone has been to Ferrari's, you will notice there is a Ferrari inside the space up on the car lift and there was a question about if that had to be removed or another car brought in there, how it would be done if we cordoned off this area. Well, we have shown that the railings are going to be placed in this vicinity so they can be removed and the vehicle will come out the overhead doors, backing out, tables moved out of the way and can be removed and another vehicle could be brought in.

The question was would there be post lights on top of all of the stone pillars. I believe our client is hoping they can put them on every one of the pillars provided there.

So far as the -- indicated on the drawing railing design to be submitted and approved by the Building Department.

There was also a question on the sidewalk that the Town Engineer had that along the north side of the building there really wasn't a sidewalk. It was just the area right here where the ends of the parking slots were. The question was how will folks walk along here. We will have a crosswalk here. I guess we would be saying they wouldn't be walking through the dining area any more. I don't know how many people would be walking along here anyway parallel with the buildings, but that they would walk like all of the other customers would from their automobiles through and across and walk around. The only people that are parking over here (indicating) are the employees and they're coming out of the back door of the restaurant. That is that item.

The Town Engineer had a very good comment regarding our original submittal where we had the patio extended all of the way over to the western range line of the building. And since we do have vehicles that are coming along that back side of the plaza, it was felt that we should not go immediately right up to that and some vehicles coming in, you know, it doesn't quite make a turn, so we have left that 10 foot slot there now and shortened the original patio submittal by that amount to be hatched. We have shown the overall dimensions on the patio area on the plan. 83 by 23. And we have also shown the pillars and pedestrian access point where people come through there now. You will notice there are two pillars there now. And we have shown that dimensional requirement of the 3 feet there. We have more, actually 5 feet.

We have also noted the swing direction of the entry doors on the plan to demonstrate they will not be blocked with any of these improvements. Item 6 we have included the bollard detail for the parking. The handicapped parking. And there was a concern about placement of that handicapped sign over the existing storm sewer that is there, and we have indicated that that is not to be penetrated in any way when they install that.

Um, let's see. There was also the question about curbing as being added as an additional safety measure around the perimeter of the patio, and we have proposed an 8-inch curb all of the way around. We have also got certain cuts in at zero reveal for drainage along the west end section here and over here on the eastern section and obviously the section where the railing would be removed to take the Ferrari car out. Let's see.

You recommend the patio area layout be reviewed by Building Department for compliance with life safety code. We have acknowledged that and I'm sure that will have to be reviewed in that regard.

I just mentioned the curbing.

The site plan to be reviewed by the Fire Marshal.

Item 11, I have already kind of talked about the parking. We have twice the amount of parking that is -- that is required in that quadrant of the plaza with the additional seating for the seasonal patio. Double the amount of required parking spots.

We did provide a cut sheet on the dark sky lighting requirements for the lanterns on top of the pillars. We did include that in the email. I can submit that again if you didn't -- it was attached with a letter. I don't know if you got ---

MICHAEL NYHAN: I got it.

MR. AVERY: Okay. Well, let's see. We have provided the written reply to Town Engineer's comments. And plan needs to be finally reviewed by the Town Engineer once approved. I wanted to run those through and let you know we have addressed all of the comments and complied basically with all of the suggestions that were made by the Town Engineer and they were taken into account and the plan has been changed.

RON RICHMOND: What will the fuel source be for the outdoor fire pits?

MR. AVERY: Natural gas.

RON RICHMOND: Okay. Is there going to be any pursuit of live entertainment outdoors down the road?

MR. ORENSTEIN: Not necessarily, no.

RON RICHMOND: Not necessarily no or --

MR. FERRARI: No. No.

MATT EMENS: So just to get clarification on the parking, I see the answer to the question. You have said that there is 23 -- the Town Engineer has determined there is 23 spots needed for the new outdoor seating. The question for clarification was, to confirm with the plaza

owner that there is enough parking there.

So how many spots did Ferrari's Pizza Bar need before this?

MR. AVERY: They needed 36.

MATT EMENS: So 36 plus the 23, so you're saying in -- you're saying there is 100 in that area.

MR. AVERY: There is 123.

MATT EMENS: Right. Okay. And did the -- I see you responded saying how many were there, but did the plaza owner say anywhere in email or letter --

MR. AVERY: We will be glad to provide an email or letter to that regard. There is no problem there.

MATT EMENS: Okay. And then the hours of operation, what -- what is the current hours of operation?

MR. ORENSTEIN: Sunday, 12 to 10 o'clock. Monday through Thursday, 11 to 10. And Friday and Saturday 11 to 12.

MATT EMENS: Is there any thought on how -- are the servers going to come out the overhead door?

MR. ORENSTEIN: Either out the overhead door or another man door.

MATT EMENS: The other man door in the middle?

MR. ORENSTEIN: Yes.

MATT EMENS: I just have a question for the side table. Paul (Wanzenried)?

PAUL WANZENRIED: Yes, Matt (Emens).

MATT EMENS: We have seen other applications come through for this plaza, other tenants, some out parcels. The Monro Muffler building which was approved sometime ago, is -- have they applied for their building permit?

PAUL WANZENRIED: They have.

MATT EMENS: What is the status on that?

PAUL WANZENRIED: Well, since no action was taken, their special use lapsed. So you will see them next month and once -- should you reapprove that, I will then be able to issue a building permit. Review has been done. I'm just waiting. And any conditions that they have not satisfied would have to be completed prior to me issuing a building permit.

MATT EMENS: Okay. Thanks. So the only other thing I see we have a letter here from a neighbor.

Mike (Nyhan), do you typically bring that up?

MICHAEL NYHAN: You can.

MATT EMENS: No. I just didn't want it to go by. I wanted to make sure --

RON RICHMOND: That was my other question.

MATT EMENS: Okay. That's all I have right now.

JOHN HELLABY: I will expand on the parking issue just a little bit, because I do recall over the last several years asking for an overall parking study for that plaza to confirm that there is enough spaces for the entire plaza so we don't get short-changed like we did in North Chili. Don't think I ever saw that, unless, Paul (Wanzenried), have you ever seen that?

PAUL WANZENRIED: Um, Mr. Hellaby, item number 2 on tonight's agenda should address that requirement.

JOHN HELLABY: All right. Well, as of right now, though, we don't have that, correct?

PAUL WANZENRIED: The purpose for application Number 2.

JOHN HELLABY: All right.

MR. AVERY: John, Holland Trotta and Fitzgerald Engineering did, in fact, have a parking plan that they did a year or two ago and I would be glad to submit it. It was a parking study and all of the uses at the time, had the chart, had the required number of parking slots for that use, had the totals and there was a surplus. I know that.

PAUL WANZENRIED: I have that, as well.

DAVID CROSS: I recall that.

JOHN HELLABY: The curbing which was asked for or suggested is a great idea, but I don't see where it will serve the purpose up along those pillars. You will get cars that are backing out of these slots across the way, backing right into the pillar before they hit that curb. I would think you would want to move that thing out a couple of feet to sort of protect those things a little bit better. Just putting it out there.

Also, I see on here that these things are being plywood formed. It would seem to me that you could build these things out of 8-inch masonry just as quick and, you know, and they're going to last a heck of a lot longer with that lick and stick stone on them. I question the -- the pick for your light fixture. It is going to look extremely out of proportion. That thing is 32-inches tall going on the top of these things. I would think that they would want something a little more fitting proportionally with those pillars that you're proposing.

MR. AVERY: The light fixture itself is not that tall, but with the spire --

JOHN HELLABY: Well, according to the cut sheet that you gave us, it's 32 inches. So just some things I'm throwing out there. We talked about hours of operation. I guess the only other thing I have is the overhead door, that's open during the course of doing business, is there some sort of wind curtain or wind screen to keep bugs from infiltrating your business? If not, you may want to think about it. That's all.

JOHN NOWICKI: In going back to the Fire Marshal's recommendation here, he has got vehicle protection question mark and going back to Al (Hellaby) what you were talking about, is the -- is that railing system supposed to protect the people from cars coming in? Or is that

curbing?

MICHAEL NYHAN: It is curbing that was recommended. The curbing was recommended to be put in to prevent cars from getting in.

JOHN NOWICKI: The Fire Marshal will be satisfied with that?

MICHAEL NYHAN: Correct. He should be. He will review it before his approval. That was to address the vehicle issue, the curbing.

JOHN NOWICKI: In regards to this letter we got from one of the neighbors, is there any outdoor speakers going to be involved here?

MR. ORENSTEIN: No.

JOHN NOWICKI: No music coming from the inside to outside?

MR. ORENSTEIN: No outdoor speakers now.

JOHN NOWICKI: No bands or stuff playing outside?

MR. ORENSTEIN: No.

DAVID CROSS: I guess I have a question. Maybe the side table -- General Business is a pretty intensive zone. Is outdoor seating like this covered in -- is it a permitted use or is it handled with special -- I couldn't -- I did look it up, but I'm in -- might have missed here. I don't see it listed as a special use.

PAUL WANZENRIED: General Business B9. Restaurants, theaters, bowling alleys and places of public assemblage. That is how we classify it as.

DAVID CROSS: Okay. I want to be careful about the neighbors. There's single-family adjacent and some multi-family residential across the street. You know, we could -- I don't know what we could try to control. I think the live bands, the speakers, we definitely don't want that. Just want to make sure it doesn't become noisy out there in respect to the neighbors. Certainly after bedtime. Whatever that is.

MR. ORENSTEIN: I do want to point out the fact only 20 percent our business is a bar business. It's mainly a family business. The Town shuts down even on Friday night. It's a ghost town at 10 o'clock. We never had a bar fight. We -- we're not like a sports bar where we have people hanging out and partying all night. We have a pretty good crowd of people coming in there. Generally a good crowd, without stragglers. Summertime I think it will be cleared out before it -- it gets dark by 9:30 any ways.

DAVID CROSS: Standard question to the side table, have we received any complaints on this?

PAUL WANZENRIED: (Indicated non-verbally they have not.)

MICHAEL NYHAN: I have a couple of questions, also. Any future plans to cover this patio? Awning or otherwise? The only reason I raise that, if you do have it, you might want to consider the construction of it now for future use so you don't have to redo things like structures and whatnot. So if you do have that consideration -- right now, there is nothing here to cover it, but I would certainly speak to the Building Department to make sure it's built properly now so you don't have to tear things apart if you ever plan on covering it in the future.

Any landscaping features with this? I know there probably wouldn't be anything in the ground, but large pot or planters of any sort?

MR. ORENSTEIN: We can get some nice pots.

MR. AVERY: Potted plants.

MICHAEL NYHAN: Was that on the plan?

MR. AVERY: No, Mr. Chairman. We would be glad to add that.

MICHAEL NYHAN: Also, the distance from the patio to the parking spaces, will there be sufficient distance to pull in and back out?

MR. AVERY: Yes. In answer to your question, it's -- it's -- it's the Town required dimension, because we're not going any farther north than the back end of those slots we're not using any more because we're taking that exact area, you know, as the patio. So we're in compliance.

MICHAEL NYHAN: Okay. Then on the plans that show the stop line is back at the building, where there is a crosswalk --

MR. AVERY: Yeah.

MICHAEL NYHAN: There is no stop line when you get to the actual end of the patio itself. And there is no stop line for east or west traffic. East or west traffic. Which you will be addressing at the next application, but I think --

MR. AVERY: Those may be two items you want to put on there. The shifting of the stop bar up to the north, so it is on the range line of the north side of the patio, and then also I -- I understand you're thinking westbound traffic in that travel lane, the stop bar there, is that what you meant?

MICHAEL NYHAN: East/west direction.

MR. AVERY: Okay.

MICHAEL NYHAN: We'll address that. It will include this location or a stop line -- stop bar. We would want a stop bar.

MR. AVERY: Got you.

MICHAEL NYHAN: I did want to raise, and perhaps, there are some folks in the audience who will raise it, as well, the issue of noise. Again, we received a letter from a concerned neighbor that when your garage door is open, they do hear noise that comes from the inside of the establishment. I don't know if it is music or just people talking, but I did want to raise that. Now they're concerned about the expansion with music outside. We did hear there will be no music outside, no live bands outside. But I do want you to be very aware of the noise ordinances

we do have in Town. I will not recite them to you, but be very aware of them in the future and how far sound can travel from the source and to your property line. This concern came from a Paul Road neighbor that directly abuts the property on Paul Road and your property at Chili Paul Plaza. So even if -- with your door open, they're hearing just -- the general noise of a busy restaurant I think is -- so we need to find a way to make sure we address that now with the patio.

ERIC STOWE: Is there going to be alcohol served outside?

MR. ORENSTEIN: Yes, there will be.

ERIC STOWE: Is that covered by the liquor license, already approved?

MR. ORENSTEIN: We put application in. It is getting approved.

ERIC STOWE: That's it.

MICHAEL HANSCOM: No additional comments right now.

LARRY LAZENBY: Just the -- we appreciate you, you know, mentioning the landscaping. What we had in mind, when you go to other towns and villages and stuff, or even right over at the Ulta Plaza over there, they have those giant round ones about 3 to 4 feet high, if you know what I'm talking about. That could solve part of your problem for visual barrier, sound barrier and if there was one of those of that size put between each of those pillars, now you have also helped solve somebody putting their foot on the gas rather than the brake. You've got a giant planter like that sitting right there. It stops the visual part from the apartments across the street looking into the eating area, or even the person sitting in the eating area watching cars go by and people looking at them and stuff like that. So I mean most places, during the summer, when you go to an outdoor area like that, they are pretty much surrounded by those gigantic planter pots. So we appreciate Chairperson mentioning that.

MICHAEL NYHAN: One other comment. Did you receive County Comments for this application?

MR. AVERY: I did not receive County Comments.

MICHAEL NYHAN: They're pretty brief. You should receive those and food service establishment, be sure to obtain the approval from the Monroe County Public Health Department related to outdoor seating and dining.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TESS CROZIER, 21 Shrubbery Lane

MS. CROZIER: Tess Crozier, 21 Shrubbery Lane.

My concern is with the noise mainly, and I don't know who that would be -- who would be responsible for that, the establishment or the plaza. Because basically, there is no maintained planting in the -- in the buffer area along the west side between the plaza and residential. It's a lot of scrub growth and a few old pine trees that are dying out. So that really would be my concern about any noise.

Mainly the -- the lighting sounds like it's all dark sky, correct?

MICHAEL NYHAN: Correct.

MS. CROZIER: So that should be fine. But even if there is no music outside, if you get more people out on that patio, that's going to be loud. And the noise carries. It carries. Especially in the summer with windows open. That's my concern. Everything else they pretty much answered to my satisfaction. Sounds nice.

MICHAEL NYHAN: Thank you.

CHRISTOPHER MCCULLOUGH, 12 Boneset Trail

MR. MCCULLOUGH: My name is Christopher McCullough. I live on 12 Boneset Trail, Apartment F, North Chili 14514.

In regards to the Chili -- Town's noise ordinance, is there a decibel reading with that in times of the day?

MICHAEL NYHAN: Paul (Wanzenried), do you know the answer to that?

PAUL WANZENRIED: I don't believe there is.

MICHAEL NYHAN: I don't believe there is either, but I don't have the code.

PAUL WANZENRIED: I think there is a distance of 50 feet if I remember correctly.

MR. MCCULLOUGH: Just the distance, Paul (Wanzenried), from the source?

PAUL WANZENRIED: From the source.

MR. MCCULLOUGH: But there's no actual decibel reading it can read above or below?

PAUL WANZENRIED: Code reads any unnecessary noise from any sources which are such character, intensity and duration as to be detrimental to the life or health of any individual or contrary to public welfare, especially between the hours of 10 p.m. and 7 a.m. on the following day.

MR. MCCULLOUGH: 10 p.m. Okay.

PAUL WANZENRIED: Which I believe you gentlemen said -- their establishment isn't open much past 10 on most nights.

MR. MCCULLOUGH: Two nights to midnight and the rest are 10 o'clock.

PAUL WANZENRIED: Yes. I believe that is correct.

MR. MCCULLOUGH: Thank you.

MICHAEL NYHAN: You're welcome.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Um, the question that was just asked is pertinent, but I noticed that the -- the answer that was read from the Town Code is sufficiently broad that I think there -- I can't see the Town enforcing it. There isn't anything that is definite there. It is all just pretty general. That's awful easy to find excuses not to make the code stick when it is so fuzzy. And it is fuzzy. We just heard it.

The other thing I had asked, Number 1, I see the dimensions that were in the -- the notice -- the notice for the Public Hearing are not the same as the dimensions that are being proposed tonight.

MICHAEL NYHAN: They were shortened at the recommendation of the Town Engineer. The dimension on the west side was shortened 10 feet.

MS. BORGUS: No. I think he was talking 83 -- 83 feet.

MR. AVERY: I think the difference, Dorothy (Borgus), was only a few -- less than ten square feet, I think, between what might have originally been on the letter of intent and what the Town Engineer asked for with the shifting of the west line.

MS. BORGUS: Okay. Does the Town have a way to measure sound levels?

PAUL WANZENRIED: No.

MS. BORGUS: Another reason. Pretty gray, isn't it? Another reason to be very skeptical here. That's again, another problem now. We have no way to measure it and we have -- we have -- we have verbiage that leaves pretty much everything open-ended to interpretation. What is going to bother the homeowners will not bother the owners. You know it and I know it. I see a problem right there. 80 people on that patio is -- it's a lot of people. And maybe it wouldn't be for a long -- and won't be for hours, who knows, but that's still a lot of people. And I do know the patio that they do have at the restaurant at Union and Chili is very well used. In the summer, that's full. So I would expect that if they see a need for this patio, they expect this will be full, too. I wouldn't want to live down that way and have every evening taken up with noise from 80 people outside.

I think if you can't get a handle on this, then you should say no. And if you want to say yes, you better find a way to -- to -- to set some parameters here that will be acceptable long-term.

The issue with the garage door has been brought up. Um, I agree, the wait staff can't be going in and out, and the -- the insect problem would be awful. It sounds to me like this garage door will be used as a main exit and entrance. There has to be a way around that, too. And the other thing I would like to bring -- ask, I guess. It's not a question -- well, it is a question, but not exactly pertinent to this application. There was a prior sign issue with this business. Has that been resolved?

MICHAEL NYHAN: They went before --

MR. AVERY: We're working with the Building Inspector on that issue.

MS. BORGUS: It's been sometime, though, now, and -- this, I think, is pertinent that we can't resolve the sign issue, but we're back for more appeals. So thank you.

MICHAEL NYHAN: Paul (Wanzenried), is there progress on the sign issue? Is there a sign issue?

PAUL WANZENRIED: Yes. They were denied the variance for the wall-mounted signs, so we're working on that with the applicant.

MICHAEL NYHAN: Okay.

MS. BORGUS: Doing what?

MICHAEL NYHAN: Thank you.

MR. MCCULLOUGH: Again, Christopher McCullough, 12 Boneset Trail.

In regard to what the lady said before me, I question how you're going to measure it for a variance for zoning and all that when Davis Park has roughly 320 something people on any given night during summer hours playing baseball and soccer and the noise there carries into the neighborhoods that surround that. So I would question are we going to just designate a noise ordinance for the plaza or will it be for the entire Town?

MICHAEL NYHAN: Okay.

ERIC STOWE: Planning Board can't legislate.

DAVID CROSS: The noise law is Town wide.

ERIC STOWE: Planning Board can't set the noise ordinance. Can't modify it.

JOHN NOWICKI: Would be the Town Board.

ELIZABETH HARPER, 893 Paul Road

MS. HARPER: Elizabeth Harper, 893 Paul Road. So last summer, there was definitely loud noises. Noises carrying and everything from that door being open and from the restaurant and concern will be with 100 people, 80 people outside, it's going to get louder and louder. I unfortunately don't see where they would be able to stop that noise. So I was just wanting to make sure you're aware of that and -- I can't hear it in my room. I literally have to turn up my TV with my sliding glass open. My husband owned the house for 18 years and we never had a problem until just recently. Just something I want you to keep in -- there is the apartments across the way, neighbors next to us, so.

MICHAEL NYHAN: So the previous bars in there you never had a noise issue with the music?

MS. HARPER: Lucky's we had a little more because there was more of a rowdy crowd, but with The Mug and whatever was after The Mug, we never heard it. I mean there is people outside smoking, but last summer was probably our loudest summer since we've owned the

house.

MICHAEL NYHAN: Okay.

MS. HARPER: It is a concern. Thank you.

MR. ORENSTEIN: I do want to say we weren't even open until October 1st and the garage door was not used that much during last year because it obviously got cold.

MICHAEL NYHAN: 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: Apparently noise is a real concern. The question is what would be done with the patio itself to change that.

JOHN HELLABY: I don't think you're going to get away with the voice conversations out there, but I mean it would seem to me you can say no live entertainment, no outside, I don't know, music speakers, jukebox type stuff. I don't know the best way of putting verbiage to it, but there is no way you can stop, you know, conversation out there.

MICHAEL NYHAN: Are you suggesting a condition of no live music or --

MATT EMENS: Live entertainment.

JOHN NOWICKI: What about the door itself?

MATT EMENS: Seems like that is the only real -- because the other two were glass man doors on closers that are going to close every time.

MICHAEL NYHAN: I see that --

MATT EMENS: Servers walk in and out.

MICHAEL NYHAN: The two entries, the one to the west is the garage door and the one next to it is the glass door, correct?

MR. AVERY: Right.

MICHAEL NYHAN: Would that be used for the entrance and exit to that? That is the only other way to the patio, is the garage door and the --

MR. AVERY: And the current entrance being used now, you can access -- you would be able to access the patio from that.

MICHAEL NYHAN: Is it the intention of the patio to be the same as the restaurant where you need to be seated by a person rather than somebody coming in?

MR. FERRARI: Yes.

MICHAEL NYHAN: So that is not for people to walk outside. It is part of the bar, part of the restaurant where you will need to be seated?

MR. FERRARI: Correct.

MICHAEL NYHAN: Any other conditions of approval that the Board would want to see on here? No outdoor live entertainment at this time.

JOHN HELLABY: I wouldn't --

MR. RANSOM: Can you change "live" to "no outdoor entertainment," so it makes -- insures it excludes external speakers?

MR. FERRARI: There is external speakers throughout the whole plaza. The radio plays throughout the plaza daily.

RON RICHMOND: The whole plaza doesn't face a residential community.

JOHN NOWICKI: Why do they have speakers there?

JOHN HELLABY: Christmas music.

MICHAEL NYHAN: They have it on the sidewalks, the overhangs, music that plays continuously.

JOHN HELLABY: I totally agree with Dorothy (Borgus)'s concern. I think before you issue any permit or get the okay to move forward with this, they need that sign issue resolved.

MR. ORENSTEIN: The sign is actually coming down this week.

JOHN HELLABY: Then it is resolved, but right now it is not resolved.

MICHAEL NYHAN: We'll make a condition that the applicant must comply with all conditions with the Zoning Board of Appeals as applicable. Does that apply to this or do we need a condition indicating that previous denial of the signs needs to be in force before we can start?

PAUL WANZENRIED: Any condition you make is enforced prior to the issuance of a building permit. So whatever you're going to make as a condition, I'm -- I'm already working with them to get it removed, so whether you put it on there or not makes no difference to me.

Um, I might throw this out there for consideration is that, um -- and maybe this would benefit the neighbors, is that you put a timeframe to this as a condition. Um, let's see how -- revisit this in -- in a 12 months or after the summer season has come. We can revisit back in the fall, December and find out, you know, how -- how it was received by the neighbors. I'm just throwing it out there.

MICHAEL NYHAN: If I could just go back to the conditions of the Zoning Board, when it says there is a condition, the applicant must comply with all conditions, is that any conditions as a result of this application or do we need to put a specific condition for a different application?

ERIC STOWE: Can we just say the parcel is to be in full compliance with Town of Chili sign regulations?

MICHAEL NYHAN: We can do that.

Thoughts on any other conditions or time limits? Seems like a fairly substantial investment.

ERIC STOWE: That raises the only issue on the investments.

MICHAEL NYHAN: The investment is substantial. We wouldn't want to have a one-year limit on it. That is my only concern.

ERIC STOWE: Any issue with respect to the times of operation, the hours of operation for the outdoor seating?

MICHAEL NYHAN: 12 to 10 p.m. and on Friday and Saturday until midnight. Doesn't seem very unreasonable for -- to me anyway. You're talking about noting that the current -- so any changes in the times for the closing times --

ERIC STOWE: Or what approved times are.

MICHAEL NYHAN: Okay.

ERIC STOWE: That is just with respect to the outdoor component, not necessarily a restaurant.

MICHAEL NYHAN: So if I understand it right, the application is conditioned on the current hours of operation for the outdoor component; is that what you're saying?

ERIC STOWE: Well, if -- I'm not saying it needs to be put that way. It was a consideration of what had come up, and we don't want to say what the current is. It would just be delineating what the current is, if it is 12 to 10 or whatever it may be.

DAVID CROSS: That is good, what was proposed.

MICHAEL NYHAN: Say that again, I'm sorry.

JOHN HELLABY: Every day 11 -- 11 a.m. to 10 p.m.

MICHAEL NYHAN: You're talking about spelling the hours out?

ERIC STOWE: Yes. Being specific.

DAVID CROSS: If they change, they have to come back in front of the Planning Board.

JOHN HELLABY: If I recall, it was 11 a.m. to 10 p.m., Monday through Thursday.

MR. ORENSTEIN: Friday and Saturday, 11 to 12. And Sunday from 12 to 10.

MATT EMENS: Do you see a need to be open on Friday and Saturday past 10 o'clock?

MR. FERRARI: We only have warm weather three or four months out of the year. We ---

MICHAEL NYHAN: Could you state your name for the record?

MR. FERRARI: Joe Ferrari.

MATT EMENS: Just asking because I know one of the points you made earlier, one of guys said something about not a rowdy crowd and dinner after 10 -- I'm not.

MR. FERRARI: Rather be safe than sorry with that 12 o'clock timeframe.

MICHAEL NYHAN: So to make sure I have this accurate, Sunday, 12 to 10; Monday through Thursday, 11 to 10 p.m.; and Saturday and Sunday, 11 to 12 a.m.?

MR. ORENSTEIN: Correct.

MICHAEL NYHAN: Thank you.

RON RICHMOND: As I said, think about it, I'd almost want to discuss the potential for -- if we're talking about the community that lives around the area and there is kids that are sleeping at whatever age level, maybe the weekdays are 9 p.m. and the weekend nights are 11 p.m. I don't think 11 p.m. is unrealistic.

MR. ORENSTEIN: May I ask what the restrictions are for 650 as far as the patio requirements? What are the restrictions for 650s --

MICHAEL NYHAN: That I don't know if there are any.

MR. FERRARI: He doesn't have any.

MR. ORENSTEIN: They're closer to homes than we are.

DAVID CROSS: I don't think they have any either.

PAUL WANZENRIED: To my recollection they don't have any.

MR. FERRARI: Neither does Knuckles.

DAVID CROSS: They're Neighborhood Business not General Business. They're a Neighborhood Business zone not General Business zone, so they're more restrictive.

MR. AVERY: They have no restriction.

MICHAEL NYHAN: So to get this point -- leave it with the hours we have is what I'm hearing.

Any other conditions of approval?

Then for the conditions of approval, in addition to the standard ones, just so -- no outdoor entertainment. Applicant must be in compliance with all Town of Chili regulations.

Hours of operation for outdoor patio Sunday, 12 p.m. to 10 p.m.; Monday through Thursday, 11 a.m. to 10 p.m.; Saturday and Sunday, 11 a.m. to 12 a.m.

MATT EMENS: Friday and Saturday.

MICHAEL NYHAN: I'm sorry. Thank you. All right then.

Application of Ferrari's Pizza Bar, 3240 Chili Avenue, Suite B-18, Rochester, New York 14624 for preliminary site plan approval to allow a 24' x 80' outdoor patio dining area at Property located at 3240 Chili Avenue, Suite B-18 in G.B. zone.

JOHN HELLABY: SEQR.

MICHAEL NYHAN: Thank you. SEQR gets me all of the time.

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: Requesting waiver of final?

MR. AVERY: Yes.

JOHN NOWICKI: Is 24 the right size?

JOHN HELLABY: No.

MR. AVERY: Size is 83 by 23.

MICHAEL NYHAN: 23 by 83. Okay. Thanks. Good catch. This is for preliminary site plan, waiver of final to allow 23' x 80' outdoor patio dining area at property located at 3240 Chili Avenue, Suite B-18 in G.B. zone.

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

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

Application shall comply with pertinent Monroe County Development Review Committee comments.

All previous conditions imposed by this Board that are still pertinent to the application 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.

Subject to approval by the Town Fire Marshal and signage change shall comply with the Town Code, including obtaining sign permits.

No outdoor entertainment.

Applicant must be in -- disregard that. I already included that on the standard requirements.

And hours of operation for outdoor patio are Sunday, 12 p.m. to 10 p.m.; Monday through Thursday, 11 a.m. to 10 p.m.; Friday and Saturday, 11 a.m. to 12 a.m.

That application and the following conditions, do I have a vote? I make a motion.

DAVID CROSS: Second.

DECISION: Unanimously approved by a vote of 6 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. Any signage change shall comply with Town Code, including obtaining sign permits.
9. No outdoor entertainment.
10. Hours of operation for outdoor patio: Sunday, 12:00 pm to 10:00 pm; Monday through Thursday, 11:00 am to 10:00 pm; Friday and Saturday, 11:00 am to 12:00 am.

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

MR. AVERY: Thank you, Mr. Chairman and Board members.

2. Application of Chili Plaza Properties LLC, owner; 3240 Chili Avenue Suite B-17., Rochester, New York 14624 for preliminary site plan approval for parking lot and dumpster enclosure modifications at property located at 3240 Chili Avenue in G.B. zone.

Matthew Sinacola was present to represent the application.

MICHAEL NYHAN: You have heard this application several times. It has been tabled

several times at the applicant's request. The latest was November of 2016. The Public Hearing at that point was left open. So we'll start.

MR. SINACOLA: Anew.

MICHAEL NYHAN: Let's hope not anew.

MR. SINACOLA: Good evening, Mr. Chairman, members of the Board. My name is Matt Sinacola with Passero Associates representing the plaza this evening again. We were here back in November, I believe, last time. We were trying to address a number of the concerns that came up, with some extended issues. This whole project is sort of a moving target which makes it a little bit more of a challenge. But I think we have reached a point where we have addressed the bulk of the concerns and brought some stability to things. We have reissued things. The Town Engineer had re-responded. We addressed the comments again.

I guess I would like to just back up a little bit in regards to the last application that does have some bearing on the discussion you will have with the plaza tonight. Again, I mention they had sort of a moving target here when it comes to parking and developments on the site since we're dealing with so many tenants and different issues.

Um, but I think I'm going to use -- the Town Engineer review letter has a guide. We'll just go down through that and I think that would be a good basis to work from and then we can expand on those issues as we see fit. So if that sounds like the right approach, I thought I would just go right down the list one at a time. I don't want to dwell on the ones.

MICHAEL NYHAN: If you could, Matt (Emens), those that have been addressed -- or as a result of that, please skip over those.

MR. SINACOLA: Sure.

MICHAEL NYHAN: Just lets us know what number you're talking or reference and what your plans are to resolve if it hasn't been resolved.

MR. SINACOLA: Number 1, there was issues with the Fire Marshal and the U-shaped area behind two of the tenants. That's been resolved. There was a miscommunications. The applicant thought that there was some parking allowed. There wasn't. So that's to be removed entirely. The -- there is the potential to request one handicapped parking space because there is a new tenant, prospective tenant for the site immediately next to that, and they will have the need for a van for people who have limited mobility. But other than that, that whole area will be cleared out so that shouldn't become an issue at this point.

The item 2, there was some dirt piles and spoil piles. I believe those have been removed entirely. If it's not completely removed, it will be. So that is pretty much a non-issue.

Item 3, there were stop bar requests for -- we have all discussed the traffic flow patterns in the plaza. I, myself, have witnessed people driving just diagonally through the whole parking lot, ignoring all of the markings. So we have indicated on the revised plans stop bars for the -- and the peripheries, the termination points, I should say, for each of the driveways. And that's shown on the plans you have before you.

We have also added a couple near where the intersections -- the private intersections occur within the plaza. And it sounds like tonight we'll need to add a couple more for the Ferrari facility in the -- the basic point we're gonna move that parking away, so we'll have to add more.

MICHAEL NYHAN: Just while we're on that topic, it is not just the Ferrari establishment. The entire rear parking lot or the parking lot that faces Paul Road, there are no stop bars in any east/west travel lanes that cross the main driveway and that goes through the plaza, as well. So --

MR. SINACOLA: We could add those, too.

MICHAEL NYHAN: So stop bars to each of those spots is what we'll be looking for.

MR. SINACOLA: It's not conventional, but in this case maybe it needs to be, because of the behavior of some of the drivers. But mainly we were -- we -- we identified the main problem area in the southern part of the plaza, but there is no reason why we couldn't add them to the other sections, too.

MICHAEL NYHAN: I think now it is busier back there, you're seeing the same behavior in the back part of the parking lot.

MR. SINACOLA: Unfortunately, that's probably where they're coming from.

We do have some exception to the proposed islands on the southern -- there was a lot of talk about putting islands down on the -- this periphery area to define this driveway. And, of course, the problem we have there, there is the potential for another site, that this whole portion of the parcel will become redesigned, and we're not exactly sure that this driveway will stay where it is.

So we -- we don't really want to go to the investment putting islands in at this time. Just leave it as paint. We'll put the stop bars in. And then when this is developed, that would define that driveway. If it -- in fact, it doesn't move, then islands could be incorporated in that site design. If there is a need to modify that, we'll do that and adjust the islands accordingly.

MICHAEL NYHAN: So a quick comment on that also, later on, is that -- what we'll do is condition that those islands have to be in place as we described. And in the event that another application does come in, that this -- this could be modified as a result of that. But if that other -- does -- that other plan does not develop, then we have no recourse to ask for those islands. So we'll be asking for those islands be established as a condition of approval and in the event that the new applicant does come in, then the site plan can be modified as a result of any changes you would like to make as a result of the new site plan. Or -- an establishment along Chili Avenue you're talking about, correct?

MR. SINACOLA: Yes. Along Chili Ave. Yes.

If -- if the condition is -- I -- again, we don't have an ability to know, if, in fact, it will be

proposed, and/or, if it will be approved.

MICHAEL NYHAN: Neither do we.

MR. SINACOLA: I don't know if -- the -- the usability of that space, if we -- if we island it off now, assuming nothing happens, if that's the best course. It may -- I just hate to paint that in -- in as a condition that it has to be fulfilled and then we would have to be facing with some kind of a timeframe. I would leave that to the Board to define, I suppose.

MICHAEL NYHAN: I understand. But at the same time, we need to be able to know that those islands are going to be there in the event that something doesn't occur. So I'm just advising you of that now so you will know that that will be a condition. I assume based on previous conversations in previous meetings where there was a condition.

MR. SINACOLA: Okay. All right. So to be clear, if -- if -- how would the Board like to define that? If there is no proposal made, then -- is there a timeframe? I don't -- I don't know what the timeframe would be on this.

MICHAEL NYHAN: Well, you indicated you were coming in with a proposal. When do you intend on coming in with that proposal?

MR. SINACOLA: There is one in the works. I just don't know what the timeframe is. It might be some time is all.

MICHAEL NYHAN: I guess I would ask that question, six -- six months?

MATT EMENS: Six days?

PAUL WANZENRIED: I would like to see it by Monday. (Laughter.)

No. Six months is reasonable.

MICHAEL NYHAN: You don't see an application within six months, then it would have to go in.

ERIC STOWE: Can we say that they must be installed by October, whatever, absent site plan modifications? So the condition is they have to be in by October and if they're not, the application would be for site plan modification as part of that.

MICHAEL NYHAN: Okay.

MR. SINACOLA: Or would it better to say six months and then it becomes part of the improvement requirements for the plaza in general? I mean there is other things going on. I suspect there will be other -- our focus, of course, is the waste containers. We want to build those. They would like to get them up this season and start containing the trash.

MICHAEL NYHAN: You know, I -- I understand you haven't been on this project from the beginning, but we have been talking about this for well over a year and there is a lot of things that need to get done and they just need to do them and they need to get them done. So there is going to be a timeframe on them. Okay?

MR. SINACOLA: Okay. All right. So the Board will make a condition that these islands be installed. Unless we get an application, which in that case will stretch that process out to whatever degree necessary.

Item 5 is addressed. That area has been fixed up. The lighting. We provided a photometric plan. It should be included in your set.

MICHAEL NYHAN: I can just comment on that, as well, as you are going through these. I think the -- what you have provided is a photometric study. What -- we were looking for a plan once you did the study to know how you're going to meet any standard lighting requirements for any areas that might be dark. That is something else that -- the photometric plan, what the Board was looking for is not just to know the parking lot is dark. We know it is. Just drive through at night. What we're looking for is a plan to address that darkness in the parking lot.

MR. SINACOLA: The -- there are a few areas that are dark --

MICHAEL NYHAN: Correct.

MR. SINACOLA: -- that are borderline to the requirements per se. The -- but there are large areas that are fine.

MICHAEL NYHAN: There are, correct. So that's what we're looking for, is the whole area is fine, not just a couple of them. That was the whole purpose of asking for that.

MR. SINACOLA: Okay.

MICHAEL NYHAN: Correct me if I am wrong, anybody on the Board have a different take on that? That -- that was the -- the Board asked for that photometric plan. It was to determine if there was sufficient lighting and if not, correct it. Not just tell us there is insufficient lighting. I don't know why we would ask for something to just tell us something we already knew.

MR. SINACOLA: Again, there were overlapping issues. We had a number of fixtures that were burned out. We had two lamps poles were down due to water main breaks that needed to be sacrificed in the effort to fix that. They just recently got the two back pole lights relit, so we're able to address that section.

You know, again, it -- we're dealing with a long, multi-decade legacy of deficiencies on this site, and I cannot tell you we will be able to fix all this instantaneously. It will take time. As I say again, every time we talk about a certain part of plaza, we're talking about something changing and a new potential adjustment to it, tenants moving in and out.

So we can -- we can take care of -- I think the biggest area of concern as far as the light levels are concerned oddly enough is right out dead center of the parking lot, right out in front of Leaf & Bean. There is an area there that seems to need a pole light.

MICHAEL NYHAN: Almost like one is missing.

MR. SINACOLA: Almost like one is missing. Exactly. That is pretty obvious. But it means we have to route something to that location.

MICHAEL NYHAN: I understand.

MR. SINACOLA: The rest of the site is in pretty good shape. There is a few areas in the back, service areas that are dark. But there is already a lot of building-mounted lights and it's -- it's a hodgepodge. Different fixtures have been erected over the years. And there is not really any other areas that are deficient in foot candle with the exception of the outer perimeter. Maybe some of the outer parking spots, but that is a good thing because it means the light trespass issue is not an issue. It drops off dramatically. So I think the -- the one concern would be that -- that that central parking area. Right about in here (indicating).

MICHAEL NYHAN: I think the way we would probably word something is it needs to meet standards that the Town Engineer has put forth, which is in his letter.

MR. SINACOLA: Okay. Got you. I guess I'm just trying to say, they have been taking action and we are solving the problem. The lamp next to the bank -- this one was also deficient and not running. This has been repaired. There was another light back here that was fixed, got that one running. They have been actually working pretty hard to get this stuff up and running. There is just a lot out there, a lot of problems.

This was -- what are we looking at? Number 6.

Okay. As far as the RPZ, the backflow preventer, that is going to be addressed. Obviously it has to be. The -- the -- the location for the southern one, we have made a decision on where we're going to try to put it. Again, we're -- we're grappling with the fact that we have an existing facility that doesn't -- was never tailored for the location. There is a lot of missing information regarding utilities. But a lot of that has been figured out now. So we have a plan in place and there might be some modification to the utility routing, once excavation takes place and we have uncovered it.

But bottom line is there will have to be two backflow preventers, one to the north and one to the south to intercept the loop water main that feeds the plaza. This one was pretty straightforward. This one down here was a little bit of a mystery. We believe the line runs through here (indicating). We'll have to find out.

There are no records available apparently. It was private.

We did go before the Architectural Advisory Committee regarding the fencing for the enclosures. Um, they were okay with what we were proposing, but they did want to make sure that color of the slatting was in agreement with the back of the buildings. And that's a gray or beige or something like that. So we're just going to try to emulate that with the color. I got pictures in the back of the building if the Board wants to see them. I don't think it is really necessary. The bottom line is we'll try to make it as unobvious as possible.

Um, we did go before Conservation Board. There was some discussion -- there was not a lot of landscaping to discuss about or -- or -- or analyze. We are going -- we're going to change this plan to show plantings in the islands that were created along the south side of Building C. And there are some plantings, just to screen the backflow preventer enclosures on the site. I suspect it will be additional landscaping for whatever offsite building -- you know, the added site buildings.

MICHAEL NYHAN: Just a question on that landscaping. I notice on the one to the south you have landscaping all around the RPZ, but the one to the north covers two sides. Is there a reason why you didn't just surround that with landscaping?

MR. SINACOLA: It is right against the embankment. The ---

MICHAEL NYHAN: For instance, you have landscaping on the -- the east side but not the west side. To continue that around?

MR. SINACOLA: I guess we could add some more.

MICHAEL NYHAN: Just like you have on the southern -- the southern one, next to the bank. Just to complete the landscaping around the entire --

MR. SINACOLA: Sure.

MICHAEL NYHAN: -- structure like you did with the other one.

MR. SINACOLA: I'm not sure why he didn't put some on the west side.

MICHAEL NYHAN: Yeah. I'm not sure why either. It's right on a main road.

MR. SINACOLA: As I say, that is sort of down a little bit on the bottom of the embankment so it wouldn't be visible as much from the road as it will have the parking lot, so.

MICHAEL NYHAN: Okay.

MR. SINACOLA: I think we addressed number 11 already.

There was suggestion to put partitions in the dumpster enclosure. We would prefer not to do that. The refuse drivers preferred to have more flexibility. They seem to think it's better to leave it open. And I guess we kind of feel the same way. The use is going to be for those businesses. Everybody is going to know what bin to put what in, so. I think we would prefer to leave those all open once you get inside that outer fence perimeter.

MICHAEL NYHAN: Not only in addition to the look of the dumpsters from view, that is also to keep the garbage that doesn't make it into the dumpster from flowing out of that area. So by not putting those partitions in, you're saying the garbage will stay inside that fenced area if it is on the ground?

MR. SINACOLA: Yes. That -- that's obviously part of the goal, to -- you know, to -- right now, anything we do now will be better than what we have got. So obviously that's -- by having those enclosures, we're eliminating 90 percent of the problem. So -- there tends -- we get a lot of feedback again from the truck drivers. They're pretty picky how they can approach the container. And how they can maneuver their vehicles. The easier we make it on them, the happier they tend to be and things survive better.

MICHAEL NYHAN: As long as you meet all of the codes. That is not the only consideration, is the drivers.

MR. SINACOLA: (Indiscernible.)

MICHAEL NYHAN: The dumpster area marked as no parking, is that going to be concrete in front of that or is that going to be maintained as asphalt?

MR. SINACOLA: No. We'll put concrete there.

MICHAEL NYHAN: Concrete.

MR. SINACOLA: Yep. Obviously the parking will be sacrificed in those areas in the back.

MICHAEL NYHAN: Correct.

MR. SINACOLA: While we're on topic of enclosures, this waste yard, used tire yard for Monro Muffler that is currently being in use has no gates or screening at all. So we would like to get obviously a fence across the front of that and no parking indications. There is an existing masonry wall on the east side that screens that now. But we would like to dress that up and perhaps come up with some gating that is a little better looking than just what we were proposing for the other enclosures. This is fairly high visibility. So if any investment goes in making things better, I think that would be the gate we would focus on.

MICHAEL NYHAN: I do believe Michael (Hanscom), perhaps -- I don't see it in the letter here, but I believe there was a comment at one point that -- an egress there -- was a door for emergency egress that needed to be maintained with the dumpster along Monro Muffler. Is that accurate?

MICHAEL HANSCOM: Yes. There was one in the center.

MICHAEL NYHAN: So you do know you need to leave that open for egress?

MR. SINACOLA: Yes.

MICHAEL NYHAN: Just the dumpster needs to be enclosed with a point of egress from that door out?

MR. SINACOLA: Yeah. I have a photo of that, too. We'll maintain that, as well.

I think there was also a question getting that area to look as much as we could similar to the new dumpster enclosure being proposed for the Monro Muffler. That will be the goal, to try to get those two to add up. Thank you.

MICHAEL NYHAN: Thank you.

MR. SINACOLA: 13 was a list of additional items. As I mentioned briefly, Lifetime Assistance is one -- one of our new tenants and they need -- one of the odd things is there is an exterior exit door with just a few -- 4 foot drop-off. So exterior landing will be built and a handicapped accessible ramp will have to be installed for that tenant. And that will address the fact that there are two doors -- there is actually two exterior doors that have a drop-off. So that will be corrected.

Again, on the pillars and stone caps, these are out in front of the Faber offices that -- the railings have been installed. We have shown that walkway and the pillars on the plan now. So that has been added in.

Traffic circulation. Um, we talked about this before. Again, obviously we're -- we're limited in what we can do onsite. There is -- it functions as it is, obviously, because trucks come onsite. They -- they offload their produce and they drive away. Um, I did keep an eye on things out there, and as we all probably already know, the trucks do just sort of drive around the buildings in the fire lanes. And they just -- they just stop with their flashers on and do their thing. This one is over in the area we were just discussing. That dumpster. There aren't any other real solutions, to be quite honest. The -- we can't take the buildings down and we can't change the way the site was built. There is fairly good flow. It's just that it isn't ideal. The one area that is of probably the most concern is coming in on the northwest side of the site. Um, circulation is pretty good around Building C, and by -- by the definition of where the drive lanes are now. But semis do come in on the site and they do gain access to this back access way behind Building B and A.

One, the semi comes in and offloads produce to the auto supply being stored and they park right there. They don't block the lane entirely, but they do temporarily park there for about ten minutes. But as I was noting when they come in here (indicating), there is no -- unless we eliminate a lot of parking, um, by striping, they just drive in over the cross -- the striping and gain access to the back side.

Now, the good -- the good thing is that during the day when Ferrari's is not entirely busy, since they're focused on the dinner hour, there is hardly any parking here to speak of. They're usually clustered near the building and there is no problem. At night when they do get busy, there would be additional cars in here. But in general, there -- their area doesn't get used. As was mentioned earlier, the previous application, there is extra parking there. Um, and even with the patio, and adding another -- would you say 26 parking spaces that would be needed? There would still be adequate room for the trucks to get around the north side. But that would be the one area assuming someone parks in a strange way, it might be a bit of an issue. In which case the truck would have to come down the front of the building and approach it from the south.

MICHAEL NYHAN: Certainly can understand that. Is that why -- is that why the islands were going to be raised in the back and now are just being striped? I see the -- the previous plans they were marked to be raised islands and landscaped?

MR. SINACOLA: We -- we strongly advised not raising those islands. The flexibility of being able to get the trucks in and out of there, I think is more important. And I don't know if -- I mean, it's possible that one or two of those islands could be -- up close to the buildings perhaps

would be a consideration, but near to where we reach out to the entrance, we want to keep that area open. So that there is no obstructions there.

On the south side there is relatively little problem because they just come in the main entrance of the backside of the bank on Chili Avenue.

That dovetails into overall parking in general. As was mentioned again, previously this evening, there was a site-wide parking analysis done. That has been modified slightly, depending on a number of issues. Um, the -- a number of places -- parking spots have been lost due to the code issue regarding striping around the hydrants. So we have lost a number of spots up in this northern parking lot as well as the central one. We have lost a number of places in the back and along the west edge of the parking due to the waste containers as well as a hydrant in that location, as well. Sounds like we're going to lose a few out in front of Ferrari's. But the good news is that we already had a surplus that was pretty generous, and the -- we kind of went through it and I kind of color-coded things to see how it kind of played out to make sure that we were on the right track, that this was, in fact, the case.

So based on the area footage and the number of -- the usage of each tenant location and the number of parking spaces required, we do have enough in the whole plaza to accommodate what is happening.

With Monro Muffler moving to a new building and abandoning this location, their square footage does go up by 1,000 feet or more. That adds a few parking spaces to their need. But again, they already had a surplus in that area. And they will be creating new parking when they put that facility in. So there will be sort of an offset on that.

So the bottom line is there really isn't a problem with parking in its totality. There may be a few places where people have to walk a little further than they might want to because of the nature of the densities of these tenants in Building B and the limit of parking within a fairly short distance of that.

MICHAEL NYHAN: Is that something you recently did? I haven't seen this color-coded.

MR. SINACOLA: No. That is just something I did for my own internal purposes, so we could just double check. This was the -- the Fitzgerald Engineering analysis that they did.

MICHAEL NYHAN: It changed pretty substantially since then, I think.

MR. SINACOLA: There has been -- yes. They just kind of listed it. There has been some adjustments, but there was -- back then, it was a total call for 515 and there was 623. So there was -- we were plenty.

And again, I'm not -- I did not include any of the parking along the back of the buildings. We just excluded that as an extra. We also did not count any of the handicapped spots. They have all been excluded. So adding that in, there is even more than that available.

MICHAEL NYHAN: And you have this inventory documented that you did there?

MR. SINACOLA: We can.

MICHAEL NYHAN: We'll ask that the Building Department receive that and that they approve your parking inventory, because it is something that we have asked for, and we did receive it from Fitzgerald, but it has dramatically changed since then for fire lanes, for tenants, for fire hydrants, for many other reasons. So they can review it and prove that you have enough spots and the proper distance from the tenants, which is 250 feet.

MR. SINACOLA: That we can do without any problem. We'll tag a date to that so we know when, in fact, that assessment -- when it applies to. And again, that moving target problem we keep seeing changes.

Landscape islands, we have talked about that already.

The grease boxes, they will be going into the enclosures as noted.

And we have also talked about the Lifetime Assistance situation.

And we have also talked about the traffic circulation.

So I think that's -- that covers the topics we had before, and I will entertain more comments.

RON RICHMOND: The additional islands that we're talking about conditioning along Chili Avenue, it was noted, and I think with good sense that we put a timeline on that. If something is in the works and it is approximately six months out, I don't know that that six months is realistic, because those things do get dragged out. So I think we need to consider a timeline for sure, but maybe not just six months.

MICHAEL NYHAN: Are you talking about the islands that run between Building A and B, correct, that runs from Building A and B out to the Chili Avenue exit?

RON RICHMOND: Exactly. The lighting plan that was discussed in length really doesn't -- I haven't heard whether or not the plan -- great improvement has been made but does a plan exist? Right now, to complete compliance?

MR. SINACOLA: Yes. We'll have to bump up. As I say, there is a couple of areas that are not up to the luminosity that is needed because there is nothing there.

RON RICHMOND: The new pole, for example, that was mentioned by Leaf & Bean, that center area right there, that --

MR. SINACOLA: That --

RON RICHMOND: Is there a plan in place to route one there?

MR. SINACOLA: We would have to put a pole there to bump those -- bump that foot candle numbers up is the only answer.

RON RICHMOND: Right. But is there a plan in place to do that?

MR. SINACOLA: If that's a condition, it will be part of what we have to do.

RON RICHMOND: So currently there is not a plan in place.

MR. SINACOLA: They obviously would prefer not to put one there. I wouldn't say it is so dark you can't see where you're going. There is a lot of light coming off the building lights and the under canopy lighting. It is not like you will fall down. It is just it doesn't meet the actual code numbers.

RON RICHMOND: That is the thing, if we have to say borderline, that is the question, it doesn't meet the code. So the point is, there needs to be a plan in place. And that's all I have.

MATT EMENS: Just want to make sure I understand what you're saying earlier. Um, the northwest, back by the parking area back by Paul Road, where this curb is that you created which was previous islands and now is striped islands, you're saying the truck traffic that is going behind the Building B, in order to accommodate that, you want to leave the curbing and the raised islands out so the trucks can get through there freely?

MR. SINACOLA: I don't believe there were islands there before.

MICHAEL NYHAN: Well, they were depicted in the previous drawing submitted that we reviewed.

MR. SINACOLA: I guess what we're driving at, when they come in here, we would like to keep this clear of islands. So it gives them the flexibility to either route along the -- around the parking, the existing parking north of B and potentially in -- north of C, because there is a few businesses where people are there, as well during the day and evening. So if we keep this clear, they should get north of all this and come down the west side of B and this doesn't present a problem now. Along in front of C, just by the way it is striped out.

MATT EMENS: In other words, the radiuses, the designed radiuses shown here on these islands, if that truck comes off Paul Road and it is headed southbound, it can turn left, make the turn and come behind Building C like the photo you were showing?

MR. SINACOLA: Yes.

MATT EMENS: Okay. So then once again, to make sure I'm hearing this correctly, when a truck comes off Paul Road, headed southbound and wants to turn to the right and head behind Building B, why wouldn't we just -- if we're restriping all this stuff, why wouldn't you restripe it and design it for truck traffic and get the correct radiuses in there and tell the trucks where you want to go? Right?

MR. SINACOLA: Because I do think we need the parking. I think the parking is more important to -- to provide a -- a truck lane through here is going to pretty much wipe out, you know, a lot of parking. It will make a mess of it.

MATT EMENS: I'm confused. What you're saying then is you're going to stripe the parking, and the trucks are going to drive through and just use what they need to, hoping there aren't cars there, I guess. I don't understand.

MR. SINACOLA: Which is what is happening right now.

MATT EMENS: What I'm getting at, though, Matt (Sinacola) is -- so why not not stripe the parking lot? Let's just leave it wide open and see how it shakes out. I don't think that seems to be the reasonable way to do this.

MR. SINACOLA: We could do that and it would probably continue to function just fine. It would be a little odd.

MATT EMENS: I was just being sarcastic.

MR. SINACOLA: It actually has relevance in the way the plaza is operating now.

MATT EMENS: We're trying to make some improvements and I guess I'm a little lost and a little frustrated -- and know this is not directed at you because you're the lucky guy that got to come here tonight -- is we keep talking about this same things every time this thing comes in here and I understand if they're not paying you guys or if you're getting thrown under the bus and you have to come here last minute, but I just feel like this is not thought through. I'm really frustrated with this now.

I don't want them to lose parking spaces, but if the whole idea of striping this is to get a new layout how the traffic flow and the parking works, why aren't we doing it the right way? I'm just confused by that. I think you have addressed everywhere else and you have answered the questions but now we're looking back here and you will say we'll just leave the islands out or someone said they leave the islands out so the truck can swerve through there to make it work.

MR. SINACOLA: As I say, this is -- this is what is newly striped to be.

MATT EMENS: Proposed.

MR. SINACOLA: Well, it actually had happened. They have actually striped it that way.

MICHAEL NYHAN: So, Matt (Emens), you're pointing to the area it looks like behind Ferrari Pizza along Paul Road. Is that what you're pointing to on the map?

MR. SINACOLA: Yep.

MICHAEL NYHAN: Matt (Sinacola), are you talking about coming -- going in behind Building B or C?

MATT EMENS: C seems like it is accommodated. Matt (Sinacola) showed it in the picture. Looks like the radius will work. We don't have a radius drawing showing the traffic pattern we talked about, but I think that that visually looks like it could work. But then what I'm hearing is it doesn't work to the right, so they're leaving the islands out so they can drive the trucks across the parking area. It just seems --

MR. SINACOLA: To clarify, I guess what we're driving at, the way this is currently newly painted, it -- it doesn't work for the -- for the trucks trying to gain access, without driving over the striping for parking spaces. So you're right, we could re -- or modify that striping to show that -- but we would lose some parking, the way it is depicted.

MATT EMENS: Right. I think that that is important, because if you're doing an analysis

on the parking and trying to understand this, there is adjustment of the parking from Ferrari's that came in tonight, some work and restriping back there. I'm not asking the owner to go spend more money willy-nilly, but I guess I just don't understand if we're making all these improvements -- I think the original concern back how many months ago was a safety concern. Now you have people walking in there. You know, pedestrians, we have a crosswalk in there. And to say that they're just going to drive across the open newly paved painted lot just kind of seems silly.

MR. SINACOLA: Understood. And think -- and I see your point, and I think it is a good suggestion. So what I propose we do is propose the -- to change the striping so it does work at least in visual reference, so you -- so we can make this turn. We have to look at run the truck through there and see what it looks like, and then modify that striping accordingly.

MATT EMENS: I get it. We all know. No matter what happens, if there is pavement or lack of pavement, sometimes people will drive wherever they drive. I get it. I'm just saying, I feel we could go a little further with this.

MR. SINACOLA: Sure. The concern that we have is if these become raised islands, then there is -- because there aren't too many options here, we have to create a drive lane, because the buildings are set. Again, the plaza is what it is.

MATT EMENS: Yep. I got it.

MR. SINACOLA: So we're kind of held to this configuration. If we put islands there, the trucks are going to have a real hell of a time making access to where they need to get to. But we can obviously change the striping to whatever we want. And that would have to go back into our parking analysis that we have talked about. There would be the loss of some spaces, but I don't think it would be catastrophic. It is -- just would be a few of those.

MICHAEL NYHAN: To give you some history on the islands, Matt (Sinacola), where they were requested they be raised, was a -- several couple islands in the back that were landscaped islands that were removed to accommodate the parking. So you know we don't want the parking lot designed just so you have enough parking spaces per the requirement and then you don't have sufficient traffic flow in the plaza.

So that is why we asked for this flow pattern with trucks and tractor-trailers to be sure they could navigate through this parking lot the way it is designed. So that's what we're looking for --

MR. SINACOLA: Okay.

MICHAEL NYHAN: -- is the ability to do that.

MR. SINACOLA: That's clear.

MICHAEL NYHAN: Whether they're raised or striped, we want to see it will work, whether they're raised or striped, in driving lanes.

MR. SINACOLA: Understood. That's straightforward enough. We will provide that.

MATT EMENS: That's all I have right now.

JOHN HELLABY: The only concern I have, you made the comment you will not fix this problem overnight. Realistically, what are we looking at to get this resolved? I mean it would be one thing for the Board to say we want this 100 percent by the end of the paving season. You know, and you guys are in no way going to complete that for some reason, I'm just asking point blank what are we looking at here?

MR. SINACOLA: Again, they made some pretty good progress and they have been spending a lot of money out there. The utility fixes that had to be done due to damages and breaks, the RPZ, the backflows will cost some time and money to get in. So I guess given the scale of the project and the fact we're not building this brand new from scratch, it will have to play out a lot. I -- I don't know if I can tell you how long it is going to take, because it depends on the finances that they can apply to this. But obviously whatever conditions we apply to an approval, would have to be done. You guys will decide it.

JOHN HELLABY: That's the point that makes me nervous. I don't want to be sitting here a year from now saying how come these dumpster enclosures never got done.

MR. SINACOLA: That's why we're here, for those specifically, and that is one of the things they want to pull the trigger on as quickly as possible, because we don't have anything that contains trash right now. So that is something they would like to do this year to get it done.

JOHN NOWICKI: Just get it done.

MICHAEL NYHAN: I just want to make sure all of the questions I asked have already been asked -- answered. Again, we will be looking for timeframes on the conditions. Talked about the islands. Um, there is a door, you indicated, will be Lifetime Assistance, exit B9. It exits out into the driving lane.

MR. SINACOLA: Yes. It's B9 and there is an exterior door. I believe they're taking hard possession -- I'm not sure what the internal configuration is, but I believe it may involve B8 and B7, as well.

MICHAEL NYHAN: The point of exit B9, is there going to be any protection if somebody is driving down that lane, the door will be able to open and somebody step outside safely and nobody can park up against the door so it can't open? So we're looking for some sort of protection.

MR. SINACOLA: The threshold is 3 foot off the pavement.

MICHAEL NYHAN: I know it is in the alcove. Along the back driveway?

MR. SINACOLA: The -- you're right. There is an exterior door directly on that west -- the wall line. Um --

MICHAEL NYHAN: So protection for that door is what I'm looking for. Bollards. So people can't drive down. Somebody opens the door, somebody runs into the door. Somebody



parks in front of the door, now you can't get out of the building.

MR. SINACOLA: I see what you're saying. We were proposing at one point to actually wrap it around or something if needed.

MICHAEL NYHAN: Paul (Wanzenried) is dying to say something.

PAUL WANZENRIED: There already are doors out of tenants in Building B that already exit and open outward. You will find that the vast majority of that area is bollarded due to the mechanicals back there. I'm not sure what kind of -- more protection you're -- you're looking for or that it is required. Anything more than that what is there. If there an issue with grade or raising that, I don't know if that is necessarily needed for that, because you have -- you're constructing a ramp on the south side of the same tenant space. So egress from an ADA or any other capacity would be on the south side. That's an emergency egress off the west end.

Follow me?

MICHAEL NYHAN: I do. So technically that door would not even be required?

PAUL WANZENRIED: Might not be. I haven't done my code review on that application.

MR. SINACOLA: Have you received that, Paul?

PAUL WANZENRIED: I have.

MR. SINACOLA: I'm just not sure how they're going to do that door.

PAUL WANZENRIED: I haven't received the application.

MR. SINACOLA: We did talk about potentially, based on the grading, we might have had to run that ramp all of the way to the corner of the building and they're talking about putting some hatching there and a van parking spot. If need be, a bollard could go in there. It might be a good addition for that application.

MICHAEL NYHAN: If you will use the door for safety reasons, I would rather see a bollard there so if it is open --

MR. SINACOLA: Paul (Wanzenried) is right. For most of the backs of the building, there is a lot of utilities. In that particular stretch, there is not. It is sort of clean.

PAUL WANZENRIED: It's not that far.

MR. SINACOLA: Fair question.

PAUL WANZENRIED: Other than there was discussion about overnight vehicle parking, I believe it's 13D, you brought that up. And -- I think per 543 E, the use of the parking facility, "shall not be used for storage of vehicles, materials or for the parking of trucks used in the conducting of business or use," and my interpretation of that is that anybody who has a business there should not park the truck out front. It's not an advertisement. Edible Arrangements does it. That should be parked out back. And we -- Chairman brought this up previously with another business to -- that was -- and he wasn't even in the big plaza, but he was parking his truck out front and we asked him to be removed, as well.

MR. SINACOLA: Okay. That is just --

MICHAEL NYHAN: For instance, Stonewood Builders in the plaza and every night they park their truck out back behind the establishment. Edible Arrangements we would expect the same thing. People that use that for overnight parking, that it is not out front as an advertisement.

MR. SINACOLA: Okay. That is not a problem. Obviously operations procedure we can just comply with.

LARRY LAZENBY: Just a request to the Planning Board. We are now into the planting seasons and you have mentioned the landscaping quite a few times. Could we put a deadline on the -- the planters that are there and have been there for a year, three-quarters of a year? I'm talking specifically like the one up near the dollar store that -- could we put a deadline when we would like to see something in those now that we are entering the planting season?

MICHAEL NYHAN: Yes. I understand it came before the -- a Conservation Board. Was a plan submitted for all of the islands or just -- or any of the islands?

LARRY LAZENBY: No. As far as landscaping and planters go, we have not seen -- because first they were there and they weren't there and now they're back again. That kind of thing. So we have not seen anything related to the -- the planters. So -- as to what they were planning on putting in.

MICHAEL NYHAN: So when they came in front of the Conservation Board, they didn't --

LARRY LAZENBY: We dealt with the dumpsters. When they came in front of the Planning Board, the Conservation Board, it was, as you see right there, the -- the dumpster enclosures and stuff.

MICHAEL NYHAN: Okay. Thank you.

PAUL WANZENRIED: Planters are a subjective thing. They're not governed by landscaping. Landscaping is something that is permanent that is in the ground. I don't believe the Conservation Board has the purview over a planter. It has purview over landscaping, the islands, if there was permanent landscaping around the building or something of that nature. But not necessarily in a planter.

MICHAEL NYHAN: Maybe I misspoke. I was talking about the islands. I was talking about the islands.

PAUL WANZENRIED: You were, but I think Larry (Lazenby) was talking planters.

LARRY LAZENBY: No. I'm sorry, Paul (Wanzenried). I was talking -- I was talking the -- the islands.

PAUL WANZENRIED: Landscaped islands?

LARRY LAZENBY: The islands, like the one in your Dollar General that it's curbed, it's raised.

PAUL WANZENRIED: Okay. The raised islands that run to the south of Building C, all along Bill Gray's?

LARRY LAZENBY: Yes, yes.

PAUL WANZENRIED: 1, 2, 3, 4, 5 of them, and they would be mirrored then running east to west from Leaf & Bean towards the Key Bank, at the end of the aisles.

MICHAEL NYHAN: Right.

PAUL WANZENRIED: Correct?

LARRY LAZENBY: Yes. Those are the ones I'm thinking.

PAUL WANZENRIED: My bad.

LARRY LAZENBY: It's okay. I confuse people a lot. But we are into the planting season. It would be nice if there was something there during the summer. For those that exist, if we could get something.

MICHAEL NYHAN: Okay.

MR. SINACOLA: I think that is fair. I think the intention was to get -- now that we're in the planting season, to fill out islands that they did construct along Bill Gray's. That is going to happen.

LARRY LAZENBY: I know sometimes you take these things back, you run into a brick wall. If we bring it up here, so to say matter of fact, it is us saying it and not you.

MR. SINACOLA: As far as I know, the intention is to get those islands vegetated. That's what we're showing on here.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: How long has this plaza been under consideration with plans? It seems like this has been forever.

MICHAEL NYHAN: It does. I can't give you an exact date.

MS. BORGUS: It's a long time. And I guess I would like to start with just one -- one question. In the -- in the legal notice -- this is addressed as the Chili Plaza Properties, LLC. Yet is -- what is it -- what is the current and correct name of the plaza now?

DAVID CROSS: Two Fronts.

MS. BORGUS: Why is it that way in the legal notice -- a different way?

MICHAEL NYHAN: I don't know.

ERIC STOWE: The corporate name of the property owner may be different than they're doing business as name.

MS. BORGUS: Okay. Just a point of clarification, I have heard a lot about lighting. And I have definitely heard Mr. Nyhan ask for or remind the applicant that -- or his representative that we needed a lighting plan.

Am I correct?

MICHAEL NYHAN: Correct.

MS. BORGUS: And then the -- the applicant's representative talks about a light here, a light there. I'm still not hearing you are going to get a lighting plan, which I believe Mr. Emens brought up. That's what you need.

MICHAEL NYHAN: Correct.

MS. BORGUS: Is that a condition here?

MICHAEL NYHAN: Will be, yes.

MS. BORGUS: Okay. You can talk this thing to death, and pretty soon there is enough confusion. If you want to confuse them, just keep talking. Well, this gentleman, I realize maybe he is on the spot with the people who are hiring him, but there is nothing definite coming out here. I can just see, you know, we're circling around the project again, we're waltzing around the same problems, and I agree, too, with Mr. Hellaby, let's get this nailed down a little bit or a year from now they will be back and you will still be here talking about the same stuff. Thank you.

CHRISTOPHER MCCULLOUGH, 12 Boneset Trail

MR. MCCULLOUGH: Christopher McCullough, 12 Boneset Trail.

I just want to let you know that as a valid holder of a Class A license and having driven a 53 foot trailer, tractor-trailer, um, a suggestion I would make is block inbound truck traffic coming in from Paul Road. Make all truck traffic come in on the southwest entrance along Chili Avenue, form a half-moon cement round-about. Trucks can go down, turnaround, come out. They never, ever go in front of the stores where customers are coming in and out for safety reasons. There is a lot of stores in Texas and down south that are created like that.

Trucks come in. There's a cement pad that goes out. There's plenty of room to lay some concrete or blacktop out there for a truck to turn around and exit the same way it came in behind those buildings.

MICHAEL NYHAN: Okay. Thank you.

TESS CROZIER, 21 Shrubbery Lane

MS. CROZIER: In regards to the lighting plan, on the west side of the plaza, on the back of all of the buildings, the existing lighting, which borders residential, all along the building, it -- it is not down-lit. I don't know if that is a requirement or not, but it shines directly into residential property. And I don't mean just into a backyard. It shines right into my windows enough to cast a shadow. I just talked to our neighbors over the weekend and they have the same

issue. So I want the back of the plaza lit. I want it lit well. But that's annoying, the -- the lighting that is there. It is just very bright and harsh, shines directly out. So if that is could be addressed.

DAVID CROSS: It should be looked at in the lighting plan.

MS. CROZIER: That would be great. 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: Matt (Sinacola), you're hearing there is a lot of pack lights on several sides of the building. They don't shine down into the parking lot. They just kind of shine out. So everything we would be looking at we would be looking for dark sky compliant lighting.

MR. SINACOLA: There is a lot of lighting out there that has been attached to the buildings, and a lot of it is ---

MICHAEL NYHAN: Which is why we want to -- it has kind of been done. We want a plan the Town can look at and approve and say yes, it is dark sky compliant, meets the needs of the parking lot of the tenants, the patrons that use it for safety reasons and others, and security reasons. We'll put an end to the hodgepodge of throw a light here, throw a light there.

PAUL WANZENRIED: Is the applicant prepared to make time accommodations or does he have to go back to the property owner? It is my understanding based on the talk that has been bandied about here you are looking for time considerations when the dumpsters will be done, when can the lighting be installed, when I can get a lighting plan, when can I have this done and that done.

MICHAEL NYHAN: Correct. That would be part of the conditions. Each condition would have a time we would impose on that.

PAUL WANZENRIED: Does he have the authority and can he do that?

MR. SINACOLA: I guess it depends on what kind of timeframes you threw out there. And what -- what the task is associated with it. I mean, we have some flexibility, but obviously if -- if the amount of work that is needed is rather large and the timeframe is short, I would have to check with my applicant with that. To see what they're -- their funding situation and timeframe looks like.

ERIC STOWE: I guess I would go down the list on what items you needed that were time sensitive. And a timeline.

MATT EMENS: It's the whole thing.

ERIC STOWE: And a time consent.

MICHAEL NYHAN: Okay. I agree. So I think it would be some priority to things. Like -- for instance, dumpsters, circulation patterns. I mean, I would be looking at -- so -- so why don't we do this. One of the things we could do is look at the list of conditions I have so far. Let's see if there is any we need to add or delete any of the ones I have on here and we could start to work on the timelines for each one of these if you believe that is acceptable and we can accept it, then we'll move forward with the vote. If not, then I think we need to have some answers from the plaza owner. But again, we have been at this for a very, very long time. Firms change and come in and start things anew.

MR. SINACOLA: We got some input.

MICHAEL NYHAN: So we don't want to drag feet. We want to get things done.

MR. SINACOLA: We'll go down the list. I think we'll be okay.

MICHAEL NYHAN: The standard conditions, provide protection to the door at exit B9 for passing vehicles and parked vehicles per the Building Department requirements.

Install raised landscape islands to the end of the drive aisles per the striping plan project of 15-400 from Fitzgerald Engineering.

The landscape aisles shall be depicted on the site plan for Monro Muffler as an example to the Conservation Board dated -- 4/21/16.

ERIC STOWE: Which site plan are we working off of? I -- we need to have a final map.

MICHAEL NYHAN: The --

PAUL WANZENRIED: You can use this one now, and -- and release the Fitzgerald comment. This is the plan -- this is the site plan you're going to use, because this is the one that has been submitted to you.

MICHAEL NYHAN: So is there a standard for landscape islands, size? The ones up along the south side of the building were too small. So what were the size -- I forget what the dimensions were, but they were depicted on the plan for --

PAUL WANZENRIED: They were depicted on the Monro Muffler approval. If you want to associate it with that, per the Monro Muffler approval, landscape islands per the Monro Muffler approval, fine.

But I don't think you can go back to the Fitzgerald document any more. You really should be pointing more towards this one that is before you now.

MICHAEL NYHAN: Correct. And actually I think this does that. I see what you're saying. So let me change that then to -- so is it -- so it is the end of the drive aisles from Building A/B to the plaza entrance near Key Bank.

So I have installed raised landscape island from the end of the drive aisles from Buildings A and B towards the plaza entrance near Key Bank. The landscape aisles shall be as depicted in

the site plan from Monro Muffler to the Conservation Board dated 4/1/2016.

ERIC STOWE: Conservation Board or Planning Board?

MICHAEL NYHAN: The Conservation Board. It was for Monro Muffler, that date. They submitted a plan for Monro Muffler to the Conservation Board on 4/1/2016 and the Conservation Board approved it.

PAUL WANZENRIED: That's good.

MICHAEL NYHAN: And then you know, this work -- you put a date on must be completed by -- unless an application that will impact the islands is under review. So is there something more solid you want on there?

ERIC STOWE: Can we just say to be completed by and any application subsequent would be a site plan modification application, right? To be completed by and anything new would be a modification. And it just removes the conditional nature of it.

MICHAEL NYHAN: Okay. Any application subsequently will be reviewed --

ERIC STOWE: I wouldn't even put that in there. Just to be completed by.

MICHAEL NYHAN: Okay. All existing light poles need to be placed in working order. I think -- is that completed, Paul (Wanzenried)? Do you know? Is there a condition that was on the -- on the previous application?

PAUL WANZENRIED: Going to the conditions of Monro, the light pole in front of Agape needed to be replaced, and I believe that has been done and is in working order. As of the previous submission for this application, um, I believe that the north of Building C was omitted. But it seems to be you found that they have been turned on, because I see numbers here on this revised plan.

MR. SINACOLA: Yes. That has been fixed.

PAUL WANZENRIED: Is he still -- it is still in -- based on what I have read and seen, it is still somewhat of an incomplete survey, correct?

MICHAEL NYHAN: Incomplete plan, correct.

PAUL WANZENRIED: So --

MICHAEL NYHAN: Implement a lighting plan for the plaza to meet current standards as outlined by the Town Engineer and approved by the Building Department.

PAUL WANZENRIED: Town Engineer. Be approved by the Town Engineer.

MICHAEL NYHAN: Approved by the Town Engineer. Okay. Install stop bars to the east and west traffic Paul Road side of the plaza. Current parking space inventory will be reviewed and approved by the Building Department.

Traffic circulation plan. That will also be submitted to the Town Engineer, Paul (Wanzenried)?

PAUL WANZENRIED: I want -- I want to go back to the east -- east and west traffic. I believe that is north and south, the stop bars?

MICHAEL HANSCOM: The southern part of the parking lot.

MICHAEL NYHAN: The north part. On the Paul Road side.

PAUL WANZENRIED: Oh, okay. Sorry. Wrong end of the plaza.

ERIC STOWE: Can we clarify which parts it is for? Which parts it does apply to so when we go to try to get these conditions, it is clear which part they -- so we're talking the east/west travel lanes on the north side of Building C and B. Just so it is clear when we're going through to try to piece this together years down the road, we know what parts they're talking about.

MICHAEL NYHAN: Okay. Thank you.

I did say the traffic circulation plan to be provided to -- is that also the Town Engineer or the Building Department or both?

PAUL WANZENRIED: Town Engineer.

MICHAEL NYHAN: Okay. So that would be provided to and approved by the Town Engineer. Existing landscape islands along the south of Building C must be completed by and a date. Is there any other conditions before we get to dates? Did I miss anything?

PAUL WANZENRIED: What about the landscape islands then to the -- extending from Building B towards Key Bank? In other words, you may not want to do the ones on -- on the south side of that drive aisle that extends from Building A towards Key Bank because of proposed development, but I would believe that the ones to the north could be done. And Matt (Emens), speak and correct me if I am wrong, but -- any -- any proposal or any concept I have seen isn't going to touch the north side of that drive aisle. It is all to the south side.

MR. SINACOLA: You're probably right. I guess we weren't exactly sure if it would require modifying the driveway entirely. Maybe one -- we can't do too much, because the -- well, there is a drop inlet here, which is probably best to keep it out of that driveway. So I guess you're right. You're probably right. I don't expect it to move, but --

PAUL WANZENRIED: Right.

MICHAEL NYHAN: So what you're saying, Paul (Wanzenried), is separate both for dates for Building A and Building B?

PAUL WANZENRIED: Yeah.

MICHAEL NYHAN: So two conditions, one for Building A, the islands, that extend east and one for Building D, for the islands that extend east? Is that what you're saying?

PAUL WANZENRIED: Yeah.

RON RICHMOND: You're saying just put a condition about getting the -- the southerly -- across from B3? Going over to the bank?

MICHAEL NYHAN: Correct.

RON RICHMOND: Just those.

MICHAEL NYHAN: Well, make them separate so we'll put a date on -- on both of these but then if another plan that comes in that affects the ones along Building A, they can be considered in that preliminary site plan approval if they need to be changed.

PAUL WANZENRIED: What I'm saying is, these here, all right, could be done now. Any proposal that I have seen in development is happening in this area here (indicating), so you wouldn't landscape these (indicating). This is the south side of the drive aisle (indicating). This is the north side of the drive aisle (indicating). So what I'm saying is that -- that these could be landscaped now, and these could be omitted until they come for revised site plan. Break it out that way. That's how I'm trying to do it.

ERIC STOWE: Can we just delineate what those are so those are the aisles on the east of B1, is it?

PAUL WANZENRIED: So the east of Building B and to the east of Building A, as Mike (Nyhan) said.

I just want to clarify --

RON RICHMOND: Got it.

MICHAEL NYHAN: So I separated the two out, so we install a raised -- landscape islands at the end of the drive aisles from east of Building A towards the plaza entrance near Key Bank.

Landscape aisles shall be depicted as the site plan for Monro Muffler to the Conservation Board dated 4/1/2016. This work must be completed by a date. Install raised landscape islands at the end of the drive aisles from the east of Building B towards the plaza entrance near Key Bank and the same as they must be depicted -- that's what you're talking about, separating them out?

ERIC STOWE: Right.

MICHAEL NYHAN: Any other changes to the conditions or any -- any modifications? From the Board? Or whoever they related to? Are there any other items that are on the plan? Paul (Wanzenried), I assume -- Paul (Wanzenried), I assume the dumpsters are the number one priority? Is that accurate for the Town?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: So if --

PAUL WANZENRIED: It also sounds like those are the ones they're most willing to act on first, so by all means, let's attack that.

MICHAEL NYHAN: Any other items on the plan I haven't mentioned as a condition? The dumpsters --

PAUL WANZENRIED: Fire hydrant access. Make sure they're striped.

MICHAEL NYHAN: Okay. Any others? No? Okay.

Let's go back with some reasonable dates now. We'll start with the dumpster enclosure to be completed by. The season is here. They could start immediately. How long does it normally take to build a dumpster enclosure, pour the concrete and put up the fencing?

JOHN HELLABY: 90 days.

MICHAEL NYHAN: So that would be July the 30th. May, June.

MR. SINACOLA: Mr. Chairman, of course it helps we got clearance that we will take action on everything in 90 days if you just want to make that the standard.

MICHAEL NYHAN: On every item that is on here?

MR. SINACOLA: Yep.

MICHAEL NYHAN: I take it you will complete it in 90 days?

MR. SINACOLA: Yep. Or anything you would like to give us.

MICHAEL NYHAN: 90 days. Okay.

So July 31st is 90 days. All right? Is that good for the Board, July 31st, for each of these items? Does that work for everybody?

PAUL WANZENRIED: Mr. Chairman, can you read that condition regarding the -- the light study or the lighting plan again?

MICHAEL NYHAN: Sure. Implement lighting plan for the plaza approved by the Town Engineer by July 31st it would be.

RON RICHMOND: How -- have to provide a plan before they implement it?

PAUL WANZENRIED: That's exactly right, right there. You should have the words "submit" and "implement."

MICHAEL NYHAN: Okay. I thought one preceded the other, but I'll be glad to add it.

PAUL WANZENRIED: The way you had it, I was concerned you were making them come back -- who is approving that plan. It wasn't left to the Board or they would have to come back to the Board for that. You see what I'm saying?

MICHAEL NYHAN: Right. Approved by the Town Engineer.

PAUL WANZENRIED: Okay.

MICHAEL NYHAN: So that is submit an implemented lighting plan for the plaza approved by the Town Engineer for July 31st.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: You're welcome.

Install a raised landscaping islands at the end of drive aisles from the east of Building A towards the plaza near Key Bank. Landscaped aisles shall be depicted in a site plan for Monro Muffler to the Conservation Board dated 4/1/2016. This work must be completed by July 31st.

Install raised landscape island at the end of drive aisle from the east of Building B towards the plaza entrance towards Key Bank.

Landscape aisles shall be depicted in the site plan, Monro Muffler, dated 4/1/2016. Also

completed by July 31st.

Submit and implement a lighting plan for the plaza approved by the Town Engineer by July 31st.

Install stop bars for east/west travel lanes on the north side of Building B and C by July 31st, 2017.

Provide a current parking space inventory.

ERIC STOWE: Can we just say current as of when?

MICHAEL NYHAN: Sure.

ERIC STOWE: When is this going to be ---

MICHAEL NYHAN: Today's date.

ERIC STOWE: I just think it's not fair to put a moving target on it and -- when will it be current of.

MICHAEL NYHAN: Provide a parking space inventory as of -- do you have that parking plan -- the parking spaces are pretty much in place now, with the new plan with Ferrari's?

MR. SINACOLA: Yes. There is minimal modifications, so if we -- let's go with -- since the Ferrari facility sounds like those would be lost, we'll modify it to show that.

ERIC STOWE: It can be July 31st. Just make it a date. But just current as of what date.

MR. SINACOLA: Okay.

ERIC STOWE: "Current" is a moving target, so I was going to say current as of -- whatever date.

MICHAEL NYHAN: Today's date. To be done by July 31st. Is that what you're saying?

PAUL WANZENRIED: To be current as of July 31st.

MR. SINACOLA: So we'll -- we'll provide it and date it -- parking conditions, plaza wide, as of July 31st.

MICHAEL NYHAN: So this is provide a parking space inventory as of July 31st, 2017 to be reviewed and approved by the Building Department. Is that good? All right.

Provide a traffic circulation plan. Provide a traffic circulation plan to the -- let me reword this. Provide a traffic circulation plan to the Town Engineer for approval by July 31st, 2017. Does that sound accurate?

Existing landscape islands along the south side of Building C must be completed by July 31st, 2017.

And dumpster enclosure shall be completed by also July 31st, 2017.

And the fire hydrant access and striping to be completed by July 31st, 2017.

I have all of them. They all sound accurate. All right. Good?

JOHN HELLABY: Knowing how things go over there, you might want to note that proposed pylon sign is not part of this approval. It is noted on the drawing. I just don't want somebody saying, "Well, it was on the approved site plan."

MICHAEL NYHAN: Say that again.

JOHN HELLABY: It's not part of any of the approvals tonight.

MICHAEL NYHAN: The proposed pylon, has that already been approved by Building -- by -- it's already been approved, right?

PAUL WANZENRIED: (Indicated non-verbally.)

MICHAEL NYHAN: At the entrance where it is depicted, is that where it was approved to be?

PAUL WANZENRIED: Zoning Board took care of that. Because it was initially under their purview.

MICHAEL NYHAN: I know they came in front of the Architectural Review, as well, on that? Right?

MATT EMENS: Uh-huh.

MICHAEL NYHAN: Okay. Are there any other conditions?

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: One last item. Final site plan approval, is that being waived or are we coming back for final? A lot of items on here.

MATT EMENS: Yeah.

MICHAEL NYHAN: I think you want to come back for final.

RON RICHMOND: After July 31st, after all of the conditions are met.

MICHAEL NYHAN: We'll have them come back for final once we see all of the changes have been made and that. We'll just be doing the preliminary site plan tonight.

MR. SINACOLA: Okay.

MICHAEL NYHAN: So for Application Number 2, Application of Chili Plaza Properties LLC, owner; 3240 Chili Avenue Suite B-17, Rochester, New York 14624 for preliminary site plan approval for parking lot and dumpster enclosure modifications at property located at 3240 Chili Avenue in G.B. zone.

Following conditions:

Applicant to comply with landscaping plan approved by the Conservation Board.

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

Town Engineer and the Commissioner of Public Works shall be given 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 that are still pertinent to the application remain in effect.

Copies of all easements associated with this project to be provided to the Assistant Town Counsel for approval.

And all filing information; i.e., Liber page and numbers shall be noted in the mylars.

Planning Board affirms the recommendation of the Architectural Advisory Committee and requests the applicant comply with the recommendations. Those are for the dumpsters, I believe.

Application subject to all required permits, inspections, code compliance regulations.

Subject to approval by the Town Fire Marshal.

Any signage change shall comply with Town Code, including the obtaining of sign permits.

Paul (Wanzenried), were there any zoning conditions for this application that have been -- on this -- no?

PAUL WANZENRIED: Not for the plaza as a whole.

MICHAEL NYHAN: Okay. That is what I was looking for.

Provide protection for door at exit B9 for passing vehicles and parked vehicles per building requirements by July 31st, 2017.

Install raised islands at the end of the drive aisles from the east of Building A towards plaza entrance near Key Bank, the landscape aisles shall be depicted -- shall be as depicted in the site plan for Monro Muffler to the Conservation Board dated 4/1/2016. This work must be completed by July 31st, 2017.

Install raised landscape islands at the end of the drive aisles for the east of Building B towards plaza entrance near Key Bank.

Landscape aisles shall be as depicted in the site plan from Monro Muffler to the Conservation Board dated 4/1/2016. This work must be completed by July 31st, 2017.

Submit and implement a lighting plan for the plaza approved by the Town Engineer by July 31st, 2017.

Install stop bars for east/west travel lanes to the north side of Building B and C by July 31st, 2017.

Provide parking space inventory as of July 31st, 2017, to -- to be reviewed and approved by the Building Department.

Provide a traffic circulation plan to the Town Engineer for approval by July 31st, 2017.

Existing landscape islands along the south side of Building C must be completed by July 31st, 2017.

The dumpster enclosures shall be completed by July 31st, 2017.

And fire hydrant access and striping to be completed by July 31st, 2017.

Do I have a motion to accept this application with the stated conditions?

JOHN HELLABY: So moved.

MICHAEL NYHAN: Second?

MATT EMENS: Second.

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

1. Applicant to comply with the landscaping plan approved by the Conservation Board.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. 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.
7. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requests that the applicant comply with these recommendations.
8. Application is subject to all required permits, inspections and code compliance regulations.

9. Subject to approval by the Town Fire Marshal.
  10. Any signage change shall comply with Town Code, including obtaining sign permits.
  11. Provide protection for door at exit B-9 from passing vehicles and parked vehicles per Building Department requirements by July 31, 2017.
  12. Install raised landscape islands at the end of drive aisles from the east of Building A towards plaza entrance near Key Bank. The landscape aisles shall be as depicted in the site plan for Monro Muffler to the Conservation Board dated 4/1/2016. This work must be completed by July 31, 2017.
  13. Install raised landscape islands at the end of drive aisles from the east of Building B towards plaza entrance near Key Bank. The landscape aisles shall be as depicted in the site plan for Monro Muffler to the Conservation Board dated 4/1/2016. This work must be completed by July 31, 2017.
  14. Submit and implement a lighting plan approved by the Town Engineer by July 31, 2017.
  15. Install stop bars for East and West travel lanes on the north side of Buildings B and C.
  16. Provide a parking space inventory as of July 31, 2017 to be reviewed and approved by the Building Department.
  17. Provide a traffic circulation plan to the Town Engineer for approval by July 31, 2017.
  18. Existing landscape islands along south side of Building C must be completed by July 31, 2017.
  19. The dumpster enclosure shall be completed by July 31, 2017.
  20. Fire hydrant access and striping to be completed by July 31, 2017.
3. Application of Morgan Management, 1080 Pittsford Victor Road, Suite 100, Pittsford, New York 14534, property owner: Rochester's Cornerstone Group; for preliminary site plan approval to erect 17 apartment buildings totaling 143 units at property located at 59 Union Square Blvd. in PRD & RM zone.

Jess Sudol and Frank Imburgia were present to represent the application.

MICHAEL NYHAN: Are you seeking final waiver on this?

MR. SUDOL: Yes, sir.

MICHAEL NYHAN: Final waiver of final?

MR. SUDOL: Yes.

MICHAEL NYHAN: Thank you.

MR. SUDOL: Good evening, Mr. Chairman, members of the Board. My name is Jess Sudol from Passero Associates. With me here this evening is also Frank Imburgia from FSI Construction who is a partner with Morgan Management on this project.

Actually I was here several months ago at a concept review and got to introduce the project. I'll go over some of the background again but not in as much detail. I know it has been kind of a long evening here.

Just to reiterate, this is approximately a 14 1/2 acre parcel located on Union Square Boulevard. It's actually immediately to the west of the Union Square Phase 1 project which is just now finishing up construction. Actually have over a 95 percent lease rate. Only have -- not even a handful of units remaining which is really impetus for why we're proceeding with these additional units.

As mentioned, at the first meeting, we -- the entire Union Square project was actually a 102-acre Planned Residential Development that was approved under Town Law 278 which is the State cluster law way back originally in the 19 -- going back into the 1990s and earlier.

At that time, there was 648 units contemplated for this entire Union Square development. As things developed out over the years, turns out the project, the entire PRD, not just this project here but the whole 200 acres was developed at a significantly lower density than what was originally planned for so the turn lanes on Union Square, the pump stations, the sewers, the water, all that would be installed for 648 units. But if this is to be built out as currently proposed, we'll full almost 200 units sort of. That -- it's a good thing. It means we're not going to be coming anywhere near exceeding the capacity of all of the infrastructure that was originally



installed as part of that overall approval when SEQR was originally done.

So that is kind of the overall 30,000 square foot view for Union Square.

Referring to this as Union Square 2, this is 143 units. It's basically a continuation of the first 117 which are already built. Somewhere I have a laser pointer. So north is over here to the right (indicating). Union is down here (indicating). Union Street. 259. I should know that. I live off it. Right here (indicating), is Phase 1. And then you can see this is a continuation into Phase 2, the green area here (indicating).

On this part of the map here, this is the large storm water pond that was built as part of the overall original development. Similar to the sewers and the traffic and the turn lanes, you know, oversized given what is ultimately being built here. One of the things I did want to mention with the second phase here, it is being developed at a much lower density or a lower density, I should say -- maybe not much lower density than the original phase.

There wasn't a whole ton of recreation and green areas in the first phase, although it did comply with all of the applicable zoning requirements, including the Open Space requirement. By -- just by way this particular parcel laid out, you see especially here we have these really large courtyard areas and other green areas, kind of sparsed throughout the entire project. That was done strategically because we're not proposing another clubhouse. These projects would kind of act as one at the end of the day.

So in order to offset the demand for additional amenities coming from the additional residents, we made an amenity rich Phase 2. So we have a playground area here (indicating). This entire courtyard area is developed with dog parks, permanent seating, pavilions, walking trails, all of the way throughout. Even a big hill that could potentially be used for sledding up in the front.

A couple things that we heard when we were here for concept several months ago was for starters, there was really a -- an importance placed on providing screening from Union Square Boulevard. If you look at -- with -- if you look here, you can see -- excuse me. Over here, in Phase 1, this is the existing separation from the buildings. If you were to drive out there today, it is roughly 50 feet.

Over here, in phase 2, there is a significantly larger separation off Union Square to the proposed buildings. Well over 70 feet. In the -- in some cases up to 100 feet. So this project will be set back further from the road than the original phase. One thing that we heard the last time around.

That also affords us the opportunity to do a significant amount of landscaping and screening in between the buildings at Union Square. Along those lines we have prepared a detailed landscaping plan that was submitted and reviewed by the Conservation Board. You know, the other typical thing with the project, including storm water management and everything else that goes along with that has been reviewed by the Town Engineer.

We have reviewed the Town Engineer's comments and we don't take any significant exception to any of them. In fact, we really have no problems with -- are inclined with most of them. However, there are two I do want to point, and of course, we'll be willing to discuss in detail any others that I haven't touched on.

One of them mentions a 40 foot setback from the pavement to the building which is required in the multi-family residential zoning district. Just to back up, as you might remember from last time, there was actually a zoning boundary here. Why this whole PRD never got zoned PRD, I'm not quite sure, but there are pieces of PRD. There is pieces of RM. There is pieces of single-family. This happens to have a small piece of PRD and a small piece of residential multi-family. The residential multi-family has that 40 foot from the edge of pavement to building setback requirement. I believe the thought process from that was originally to give you a 40 foot driveway really. There is lot of other projects in and around Town, not naming any specifically, but I think they have a little shorter driveways than maybe everybody wishes, certainly in these types of projects.

So I can say that every single one of the units has the 40 feet from the edge of the garage to the edge of pavement. However, over in this area (indicating), if you actually measure it to the side of the building -- for those familiar with Phase 1, the sides of these buildings are really just the garages attached onto the sides of them. There is slightly less than 40 feet.

So Mr. Hanscom makes the comment that would require a variance, but given -- you see in our response letter, um, it's currently our position -- first of all, if we had to go for the variance, I'm not worried about it. It's a very straightforward variance, I think. But because this entire Union Square Boulevard was developed under the Town law 278, Town Law 278 by definition gives the Planning Board the authority to make adjustment and allow setbacks that don't necessarily comply with the code. That was, of course, the case with Phase 1 over here which had setbacks to pavement and buildings that are far less than what we're proposing here.

So I certainly would welcome any more in-depth discussion on that.

Another comment I just wanted to address quickly was down here in this southeast corner, a little weird because north is to the right. We have a driveway that comes in and splits going to two different garages. Mr. Hanscom pointed that out.

We did take a look at it, but we are confident with the current layout that there is more than ample room for the vehicles to get there and use that area. There is almost 30 feet for each one of those units. What we didn't want to do is push these two units any further to the west, because that would start -- start to impact our ability to do storm water management in this corner and we didn't really want to push any of the units to the north because that -- you can see the building separation, and we really don't want to get them too much closer than that.

Those are really the two comments I wanted to touch.

A lot of the other comments like providing access to the storm water management area, setting up detail for the dumpster enclosures, moving some of the dumpster enclosures, all things like that are very easy for us to accommodate.

Lastly, I wanted to point out there was this discussion last time where we were proposing a vehicular connection between the two phases. I think it was Board -- not to speak for the Board, but it was kind of the consensus that the vehicular connection is not so important, but we wanted to promote pedestrians to move back and forth between the two. Which I think makes a lot of sense given the different amenities that are set up in the different projects. So that's how we had it originally proposed.

There was a comment about providing a secondary means of access into the project, so we have significantly enhanced that what is going to 99.999 percent of the time a pedestrian connection, we made it wider. We made it thicker in terms of the section so that emergency vehicles could use it if absolutely necessary.

The only way that would ever really be necessary is in the off chance that this area were ever blocked and emergency vehicle could not get in the front entrance.

I deal with that comment in a lot of other projects. I never in my life have seen it happen, but I certainly understand the concern.

With that said, I know it is fairly brief, but we have covered this before and I would be happy to answer any question. Just quickly to shoot back over to the buildings before I end, this is the 3D elevation, computer model simulated. If you really want to touch and feel it, there is buildings that exist out there today. We're actually -- architect is working on some final color selections that will be presented to the Architectural Advisory Committee to wrap that up, to give it more -- so it is not just all bland, the same building one after another. So we're working through that detail. But you can see the actual garages -- storage is provided in the garages for six, seven, nine units. The other units -- or other three units that don't have a garage have a storage area around back.

Again, the building would be constructed almost exactly the same as Phase 1 which met all the applicable requirements at the time. So there's no reason to believe this building wouldn't meet any of the zoning requirements because it did the first time around and because we looked at it and reviewed the code. So with that I'm done for now.

MATT EMENS: Can you explain to me a little further, Jess (Sudol) -- I don't understand you were talking about the emergency vehicle connection. Is that off road B you're saying?

MR. SUDOL: It's right here (indicating). This is the existing (indicating). Western access to Phase 1. So they come in here (indicating). You're at the Community Center. You -- this is the access right through here (indicating).

MICHAEL NYHAN: That will be a 10 foot wide sidewalk?

MR. SUDOL: No, more than that. 12 foot.

DAVID CROSS: It's 5 foot right now?

MR. SUDOL: That was the original submission. We increased it to 12 foot, based on the Town Engineer's comments when we resubmitted.

DAVID CROSS: Okay.

MATT EMENS: You said that you -- did you say you responded to these or have not responded?

MR. SUDOL: We have responded to them.

MATT EMENS: I don't have that in front of me.

MR. SUDOL: It was dated April 4th. This is for anyone who -- to make it originally part of the record.

MATT EMENS: You talked through it, so. I -- so 10 feet. Okay.

MICHAEL NYHAN: Were sidewalks plowed?

MR. SUDOL: Yes.

MICHAEL NYHAN: Maintenance onsite.

MR. SUDOL: Yes. 24-hour maintenance, yes. Absolutely. There is actually a whole separate maintenance building proposed kind of tucked away as part of this, to complete the maintenance equipment away from the Community Center which is where it is now.

MATT EMENS: I think everything else was addressed in the presentation, so I'm good. Thanks.

JOHN HELLABY: I think the engineer did a great job with his concerns. The only question I have is why is the berm in the front 16 foot high?

MR. SUDOL: Why is it? The true story is we really want to make it -- the potential for a sledding hill. We started putting these on projects. It seems crazy. First time it was my lame excuse for trying to get rid of topsoil. Turned out they worked well. We're trying to make amenity-rich projects. So we said, hey let's -- also A, we're using topsoil. We really are.

B, we don't want to necessarily hide our project, but we do have the ability here to tuck it behind. I live right around the corner from here and I drive down this road a lot. Those buildings are pretty close to the road. To have another two buildings where if you had four in a row, that would probably get to be a bit much. I like the idea that first building is tucked away behind the hill where you might be able to see the roof line but not the continuation of the siding.

MICHAEL NYHAN: So the distance from the berm to the road?

MR. SUDOL: Right here (indicating)?

MICHAEL NYHAN: The one you would sled down.

MR. SUDOL: That's about 30 feet. We try to get them to sled away from the road. That

is why all of the landscaping is proposed on this side.

MICHAEL NYHAN: What is the distance from the berm to the building?

MR. SUDOL: From the bottom of the berm to the building is about 35 feet.

MICHAEL NYHAN: Okay. Thank you.

JOHN NOWICKI: Mike Hanscom, are you all satisfied?

MICHAEL HANSCOM: With the height of the berm?

JOHN NOWICKI: No. With what you wrote.

MICHAEL HANSCOM: I'm satisfied with my letter. I'm not necessarily satisfied with the hill for sledding.

JOHN NOWICKI: I just wanted to make sure Mike (Hanscom) was happy.

DAVID CROSS: Well, just real quick. So -- so this pedestrian access to the -- the old phase, Phase 1, it looks like it is dead-ending, Jess (Sudol), into a parking stall.

MR. SUDOL: Actually not a parking stall. What that is -- I'm sorry to cut you off, Dave (Cross), but we had certain hose length requirements to -- around these buildings for fire access so we ended up having to propose these little fire lane stubs everywhere.

DAVID CROSS: So that's asphalt.

MR. SUDOL: It is asphalt, but striped no parking.

DAVID CROSS: You will stripe it out?

MR. SUDOL: It is actually striped out.

DAVID CROSS: Okay. Good. And then back to this pedestrian linkage to the new phase, it -- it just kind of dead-ends at Road A. Just kind of stubs in there. And -- am I seeing that correctly?

MR. SUDOL: Yes.

DAVID CROSS: So it -- could it go north and south to tie into the adjacent intersections with pedestrian crosswalks?

MR. SUDOL: Oh, you mean the -- yes, absolutely. We could do a better to job with that.

DAVID CROSS: To tie into the existing.

MR. SUDOL: I noticed that.

DAVID CROSS: So we have continuous sidewalk flow.

MR. SUDOL: Yeah, you're right. It just kind of walks into the back of the parking spaces instead of a nice crosswalk that would bring you over -- I agree with that.

JOHN NOWICKI: Good. Nice.

DAVID CROSS: That's all I have and then the zoning -- the Zoning Board question is kind of interesting. Um, whether it is required or not. I guess I would defer to the side table at this point.

MICHAEL NYHAN: Okay. Before we go to the side table, gentlemen, for Number 6, Buildings 1, 2, 16 and 17 on the maintenance building on Road A require a variance and your response indicates that all proposed buildings have a minimum of a 40 foot driveway. So you're saying all of the driveways are 40 foot? Just the setback for the buildings.

MR. SUDOL: Correct. I was trying to point out, I think the reason why that provision exists within the RM code is to insure you have a proper driveway length. But where it is being applied. It is not applied at our driveways. It is being applied over here at the sides of our buildings. So I was trying to point it out and say, "Look, we have all 40 foot driveways which is what I think this Board is looking for, but we're kind of getting pinched in this area which is where we don't have the 40 foot from the pavement to the building.

MICHAEL NYHAN: How much do you have, 20 foot?

MR. SUDOL: More than that, I think. Between 25 and 30. But in that ball park. It's not 5 or 10. It's at least 20.

MICHAEL NYHAN: Okay. And it is all of those buildings, 1, 2, 16, 17 --

MR. SUDOL: Yes. This cluster.

MICHAEL NYHAN: Where is the maintenance building? It has to have a driveway to get into the maintenance building.

MR. SUDOL: Yes. I think it is crazy to have a 40 foot building for the maintenance building. Right back here (indicating).

MICHAEL NYHAN: How long is that driveway?

MR. SUDOL: That driveway is only 15 to 20 feet long. Not anticipated there would be vehicles parked out there. Just to keep the snow blower, the lawnmower, things that are kept -- a lot of them inside the current community building.

MICHAEL NYHAN: So there is not a plow truck or anything stored there?

MR. SUDOL: No, nothing there.

MICHAEL NYHAN: Does Maintenance plow the roads, as well?

MR. SUDOL: No. Morgan has so many units, they have regional contracts that come in to plow.

MICHAEL NYHAN: So they're just responsible for sidewalks, snow blowing, things like that, not major roads or arteries?

MR. SUDOL: Right.

MICHAEL NYHAN: Okay. The distance you believe to those buildings -- what is the distance? It is on the plan, I just --

MR. SUDOL: I can tell you exactly.

25 is really the minimum, which occurs just off the corner of that garage and then just off the corner of that garage.

MICHAEL NYHAN: Thank you. And concern about the combined driveways, there was

an impingement concern to these buildings?

MR. SUDOL: Yes. That was the one I addressed earlier. That exists down here (indicating) in this corner. I can tell you that from doing a significant amount of these types of projects, this wouldn't even make the top 50 on worse driveway configurations. Not that we do a lot of bad driveway configurations. This one is just not so bad.

As I said earlier, we have a minimum of about 25 to 30 feet for each one of these units before they combine, so we're very confident there is ample parking there, so we wouldn't have a situation where one unit was blocking another. It is not like you have a 10 foot area. We have certainly a lot more than that.

MICHAEL NYHAN: Mike (Hanscom) may have a comment on that. I will wait to hear what he says.

Also number 16 goes back to that berm again, the height of that berm. Most of the concern is just the maintenance of that berm, so steep, you wouldn't be able to cut the grass.

MR. SUDOL: It is not the intention to actually mow the grass on that north side. It would be to stabilize it and use more of a wide growing seed mixture that would establish almost a meadow on the site that doesn't have to be a clean, mowed lawn surface on this side. Then we would mow the whole south side as it comes around.

I think Mr. Hanscom rightfully asked for just more details on what the stabilization measure is, which we're more than ready to give to him.

JOHN NOWICKI: Fire Marshall.

MICHAEL NYHAN: There was a response from the Fire Marshall to move one hydrant. I will have to ask Paul (Wanzenried) --

MR. SUDOL: To move the hydrant.

MICHAEL NYHAN: To move one hydrant, add a hydrant.

MR. SUDOL: I'm not, but I have no problem doing that.

JOHN NOWICKI: You can have that.

MICHAEL NYHAN: Doesn't say where or when.

MATT EMENS: Just move one and add one.

MICHAEL NYHAN: We need to ask.

On the Fire Marshal's comments, he says to move one hydrant and add one hydrant. Are you familiar what hydrant he is talking about, Paul (Wanzenried)?

PAUL WANZENRIED: I'm looking for it. I believe that it was in the -- add a hydrant down -- it's a long road A, between Buildings 14 and 12.

RON RICHMOND: In the middle of the courtyard?

PAUL WANZENRIED: In front -- building between -- between Buildings 12 and 13, you have one hydrant.

MR. SUDOL: Correct.

PAUL WANZENRIED: I believe his intention was to put one down in the corner and shift that hydrant that you have -- currently have between Building 13 and 12. If I remember correctly, he wanted to shift it down into the corner between 12 -- between where Road A merges.

MR. SUDOL: So it seems to make sense you put one down there on the corner kind of where Building 6 and 7 are. One down there and one at the other intersection for coverage.

PAUL WANZENRIED: Right.

MR. SUDOL: That makes sense. Not a problem.

LARRY LAZENBY: Landscaping plans he submitted were approved and everybody liked it.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: Where is the snow storage?

MR. SUDOL: All over the place.

RON RICHMOND: There are locations all over the thing.

PAUL WANZENRIED: You will put it behind the parking?

MR. SUDOL: In some cases, yes.

RON RICHMOND: Between the buildings.

PAUL WANZENRIED: By 8 and 9. One over behind your mail kiosk, between 12 and 13.

MR. SUDOL: We differentiate between snow storage and lawn area, but that is all just grass where snow can go (indicating). So going back just to draw comparison, there is a lot more areas, a lot more green areas between the buildings in the first phase that give us an opportunity for snow storage. I don't mean to say just areas that are snow storage on the site plan. Pretty much anywhere there are lawn areas. Anywhere we have the opportunity to use, we'll be using a lot of areas throughout the sight because of lower density, more green space.

PAUL WANZENRIED: The comment regarding Fire Department access was for -- the secondary access was to the property to the west. 50 Union Park.

MR. SUDOL: I believe the comment was there is actually a code stipulation that requires an undefined major project that has a secondary access and I believe Mr. Hanscom was saying it makes sense you could do the access here because then you can go get an easement from these folks which I agree makes all of the sense in the world. But the reality of going to another developer to obtain an easement, you know, is not as simple as it should be. It is oh, how much is my easement worth? All of a sudden the next thing we know, we're held hostage.

We actually have the benefit here of owning this project right next to us so it just makes way more sense and would be a lot easier for us to secure access rights that way rather than

having to go and potentially buy it from somebody else.

PAUL WANZENRIED: So you're proposing a 15 foot lane that connects Phase 1 to Phase 2 essentially?

MR. SUDOL: Yes. That would mostly be used as a glorified pedestrian way but could be used and would be designed so it could be used for emergency vehicles in the rare case that it would be needed.

PAUL WANZENRIED: What is the distance of that off the back of that Building 1 in Phase 1?

MR. SUDOL: To the sidewalk?

PAUL WANZENRIED: Yeah. I mean, are you constructing any sort of privacy between there?

MR. SUDOL: You have to remember, these are all garages right here (indicating). So there is that one unit right here (indicating) that will have the sidewalk, about 10 feet away.

PAUL WANZENRIED: Unit D will have that -- that lane way, right in their backyard, essentially in that back window?

MR. SUDOL: Yep.

PAUL WANZENRIED: Yep. You say that emphatically. I'm saying are you going to protect it in anyway or privacy it in any way?

MR. SUDOL: Well, we could include, you know, really put a significant landscape barrier along -- that goes through there, really tight to the edge. We'll put anything I think that makes sense there.

RON RICHMOND: Wasn't there discussion already about rerouting that any ways towards the intersection where it loops around?

MR. SUDOL: Makes all of the sense to go perfectly straight right to our road.

PAUL WANZENRIED: Except those electric transformers.

MR. SUDOL: Electric transformers in the way was actually pointed out by Al (Hellaby) last meeting. And then there is also a significant grade break. There is actually a retaining wall there to make these units work without stepping the building. So that is something else that we're dealing with.

RON RICHMOND: Kind of go in between Buildings 3 and 4? So that it comes right out into the intersection. A loops back around?

MR. SUDOL: Yeah. I mean -- I still don't think that solves the issue at hand which is that in order for us to turn and avoid the transformers, it pushes us up close against that one unit. But that's the reality of the situation. Hopefully they have 143 more new choices they want to move to.

MICHAEL NYHAN: Phase 1 is also rentals, correct?

MR. SUDOL: Correct. All rentals.

MICHAEL NYHAN: Is there a way to protect -- have you -- if you look further down the curve, you have landscaping, to protect -- between two --

MR. SUDOL: It kind of does an S. If we took the same treatment we have over next to -- to building --

MICHAEL NYHAN: I think that is what Paul (Wanzenried) is getting at.

MR. SUDOL: Building 2. And just continue that on the other side, that ---

MICHAEL NYHAN: Of course. Continue that around Building 1 of the Phase 1. To provide privacy. If you can add that to the plan.

PAUL WANZENRIED: Does that lane way narrow?

MR. SUDOL: No. It is consistent width all of the way through.

PAUL WANZENRIED: You have it labeled as proposed 15 foot wide at one point and it is 12 foot wide.

MR. SUDOL: Oh, that is just an error. It would be a consistent width.

PAUL WANZENRIED: Okay. Thank you. I don't have anything further.

MICHAEL HANSCOM: I don't have anything further at the moment. I will make my additional comments when I review the plans.

MICHAEL NYHAN: What were your concerns on the responses just so we can hear them?

MICHAEL HANSCOM: One of my main concerns was with regards to location of the easternmost infiltration basin with regards to Buildings 3 and 4. Per the storm water management code, you're supposed to have 25 feet from any structure with a high water level. Jess (Sudol) replied that that only applies to ponds, but the way they design their infiltration basins, they don't actually comply with the storm water management design for the design of infiltration basins. They're more of a hybrid between the pond and infiltration basin. Basically it's a pond with an underdraining system to make sure that that drains dry.

So, therefore, I -- in my judgment, the spacing of the -- from the high water level point to the building 25 feet actually applies in this case.

MR. SUDOL: Again, Mr. Hanscom, as he usually does, will issue a plethora of comments that have to deal with the storm water management. We have a lot of wiggle room in this particular area. My Project Engineer who designed this felt very strongly about that particular comment so we kind of let it ride for now just to say it doesn't say it in the manual, but the truth of the matter is if that is something that is very important to the Town Engineer, we have already looked at it and we have enough wiggle room we can make a pretty simple adjustment to get that 25 feet. The area we're talking about is here (indicating). You can see from there to there (indicating), we have at least 20 feet. So we just got to trim it up a little bit. No problem.

MICHAEL HANSCOM: Except what you show there as infiltration basin is not an actual -- is not an accurate reflection of the water area during -- during a storm. It just shows the -- well, perhaps the underdrain area of the basin.

MR. SUDOL: It shows the base -- the basic area of the soil --

MICHAEL HANSCOM: The flat area.

MR. SUDOL: So yes, it spreads out another 4 to 6 feet once the water stages up. But there is also ways we can re-optimize this space so instead of having the finger stick out, we can better utilize some of the space back here to provide the 25 feet you're looking for. I'm confident we can do that. We have been successful doing that with how many other projects in the Town over the years? So I can give you what you're asking for ultimately.

MICHAEL NYHAN: Anything else, Michael (Hanscom)?

MICHAEL HANSCOM: I still have some other detail comments to provide in a letter.

ERIC STOWE: You're saying with respect to the 278, the cluster, Phases 1 and 2 were approved initially under cluster, under 278?

MR. SUDOL: I'm saying the entire 102 acre Union Square PRD was approved under 278. Both Phases 1 and 2 fall within the limits of the original 278.

ERIC STOWE: And the plat was filed that way?

MR. SUDOL: The original, yes. Subdivision plat or?

ERIC STOWE: Well, it -- 278, you need to file the plat, right?

MR. SUDOL: For now. And we're also talking about 30 years ago, but...

ERIC STOWE: Well, fine. The subdivision map --

MR. SUDOL: Yes. It's within the limits of the defined boundary of the PRD, the entire phase.

ERIC STOWE: But there is a portion going through where the comment was regarding the setbacks on the driveway, which is in the RM, or MR.

MR. SUDOL: We have two. That is the thing that is confusing here. We're talking about two totally different things. Which again to my comment earlier, I don't understand why the whole thing wasn't just made PRD zoning.

But the actual Planned Unit Development for the entire Union Square Boulevard was 102 acres which included these parcels, so it was approved for 648 units. We went and built turning lanes on Union Street. Went in and put in pump stations and ponds and everything else.

However, at that point in time when that was approved, the Town did not rezone all 102 acres to PRD. Only pieces of it -- it seems like what happens is they said they approve this overall plan and then as projects came along over the course of time, they kind of zoned them for that project within the overall confines of the original approval. Which is kind of a confusing way doing it, but it appears that is what happened.

ERIC STOWE: I'm less concerned with the PRD zone and more concerned with the subdivision map that was filed under 278 that showed that as approved that way, correct?

MR. SUDOL: Correct.

ERIC STOWE: Okay.

MICHAEL NYHAN: You're talking about the setbacks, correct, from the roads, to the building?

ERIC STOWE: Correct.

MICHAEL NYHAN: So that setback was approved?

ERIC STOWE: If the project was approved -- I talked to Dave Lindsay about this before they came in for comment and now I'm just trying to replay the tape in my head. The whole project was approved under a cluster, is my understanding. Where the setbacks would have been addressed and granted at that time and coming in now, as well. So as long as it is in that way.

MR. SUDOL: Just to give you some back story. Way back in October when we were first approached about doing these additional units, the very first thing our office did was recall all of the old PRD information and send it off to these folks over at the side table and said, "Before we go anywhere, can you confirm this 278 does apply?"

At the time it wasn't really because of the setbacks. It was more because of the density. So we did, at that point, confirm before we even started to move forward.

ERIC STOWE: I can confirm looking at it with Dave (Lindsay) and then now trying to recall that, where we went with it.

MR. SUDOL: You said it looks great, they should approve it right away. (Laughter.)

MICHAEL NYHAN: So what do we do with the setbacks?

ERIC STOWE: We're good.

MICHAEL NYHAN: We're good. Okay. Thank you.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

##### CHRISTOPHER MCCULLOUGH

MR. MCCULLOUGH: Christopher McCullough. I'm a resident in Phase 1 and I think it's a beautiful development. My only concerns are is there enough parking for the clubhouse with the additional units for the pool?

And someone talked about snow removal. It is done by Morgan Management. They do have a truck onsite with a plow. Um, and when we did get the storm, snow banks at the end of the driveway, um, are very high. They were.

Um, and -- and my only concern is the -- was the plow operator was not knowledgeable. I don't think he had ever plowed before. And just would need some guidance, and that's it.

Because there is plenty of place to push snow.

MICHAEL NYHAN: Thank you.

MR. MCCULLOUGH: You're welcome.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Um, I -- it's a beautiful complex so far. The only thing that I don't like, that I didn't like that I heard tonight was the berm. The word "berm." Those are so hard to maintain and already they're talking about not taking care of one side and letting it go to the wild. Why do we have to have a berm? Everybody knows how hard they are to maintain. I don't think the kids in that complex are going to be using it for sledding. It would be -- it's a nice idea, but that's all it is. And all you're going to have is another berm that going in, they admit is not going to be maintained because it is too steep. Let's do away with the berm. Nice flat area would be nice there. Grass.

MICHAEL NYHAN: Thank you.

MR. MCCULLOUGH: Just in response to that, I live right across the street from this building right here (indicating). Union Square Boulevard does echo a lot of noise, and I am friends with people that live in Building 8 and -- which is -- this is -- this is Building 8. I believe this is Building 7 and their only complaint is the noise. I think the berm would eliminate noise that comes to the -- to the buildings that are on the roadside.

Um, I know there are several small children in there that would appreciate a sledding hill. It's only 16 feet high. No one is going to be going 30 miles an hour. He's talking about on the side of the berm. To me it looks like it is going to be pine trees and trees. On the side of the -- that hill.

MR. SUDOL: Yes.

MICHAEL NYHAN: Correct.

MR. MCCULLOUGH: Which -- which I don't -- you know, and we're all entitled to our own opinion. But I live there and I don't -- and I don't see that being an issue.

MICHAEL NYHAN: Thank you, sir.

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: You did say on the street side there were pine trees.

MR. SUDOL: Right. There was landscaping all on the street side because we don't want people sledding into the street. Even though we have ample separation there, there is not a ton of traffic. We recognized that and we kind of had that idea which is really why we focused landscaping. Landscaping was also requested in conjunction with the berming as we went through the process.

Just to touch on the gentleman's comments and I very much appreciate comments from a resident there. That is very helpful. We did maximize the parking in Phase 1 next to the community center. There is not really any room for them to put more there. We did try to get as many as we could which is all the more reason why we wanted to have a really significant pedestrian way. People that are gonna use the pool, I would hope they would be walking to it, it would be nice out. So that is the thought process.

MICHAEL NYHAN: Thoughts and comments on the berm, I would assume? I think Michael (Hanscom) if you have concerns -- you still need to discuss how the berm is going to be protected from erosion, correct, and stabilized?

MICHAEL HANSCOM: Yes.

PAUL WANZENRIED: Did you give any consideration to evening it out between the north and west?

MR. SUDOL: If we took a 1 on 3 from the north side, instead of doing 1 on 2 and took 2 foot off the top of it, that's fine. We could do that.

MICHAEL NYHAN: We'll --

MR. SUDOL: We will.

MICHAEL NYHAN: -- work with the Town Engineer to make this berm so it is not an issue of contention. I think that is something you will be able to do. So thank you.

MR. SUDOL: Yes, sir.

MICHAEL NYHAN: Any other comments or further discussion on the application? Any conditions that anyone -- other than the standard conditions which I will read, any other conditions?

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: So for Application 3, Application of Morgan Management, 1080 Pittsford Victor Road, Suite 100, Pittsford, New York 14534, property owner: Rochester's Cornerstone Group; for preliminary site plan approval to erect 17 apartment buildings totaling 143 units at property located at 59 Union Square Blvd. in PRD & RM zone.

The following conditions: Upon completion of the project, the applicant shall submit a landscape certificate of compliance to the Building Department from a landscape 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 Commissioner of Public Works.

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

Applicant shall submit -- I'm sorry, did they go to Architectural Review Committee at this point? Architectural.

MR. SUDOL: We're making some tweaks to the colors before we submit.

MICHAEL NYHAN: Applicant shall submit all building design elevations to the Architectural Advisory Committee for their review and recommendation.

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

Application is subject to all required permits, inspections and code compliance regulations. It's pending -- is there any approvals from the Zoning Board on this? I don't believe there are, correct? Okay. Scratch that.

And subject to approval by the Town Fire Marshal.

Any other conditions?

I make a motion to accept the application with those conditions.

JOHN HELLABY: Second.

The Board voted unanimously in favor of the motion.

MICHAEL NYHAN: Did I say waiver of final when I --

MATT EMENS: I think so.

MR. SUDOL: I don't think I heard you say it.

PAUL WANZENRIED: I think you whispered it to John (Nowicki).

MICHAEL NYHAN: All right. I will reread this with the waiver of final. Sorry about that.

Application of Morgan Management, 1080 Pittsford Victor Road, Suite 100, Pittsford, New York 14534, property owner: Rochester's Cornerstone Group; for preliminary site plan approval with the waive of final to erect 17 apartment buildings totaling 143 units at property located at 59 Union Square Blvd. in PRD & RM zone.

JOHN HELLABY: Second.

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

1. 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.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review committee comments.
5. 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.
6. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
7. Building permits shall not be issued prior to applicant complying with all conditions.
8. Application is subject to all required permits, inspections and code compliance regulations.
9. Subject to approval by the Town Fire Marshal.

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



MR. SUDOL: Thank you again.

FOR DISCUSSION:

1. Ray Trotta, The Holland Trotta Project for proposed dental office and urgent care center at property located at 3193 Chili Avenue and proposed retail store and fast food restaurant at property located at 3187 Chili Avenue in G.B. zone.

Ray Trotta was present to represent the matter for discussion.

MR. TROTTA: Here is one item you guys haven't seen which I will go through. Thank you for seeing me, ladies and gentlemen of the Board.

Tonight, as you said before, I'm coming in for discussion this evening on 3193 Chili Avenue and 3187 Chili Avenue, and those two parcels are -- the smaller parcel is .89 acres which is the current Pontillo's building on Chili Ave. and the larger which is 2.09 acres next to the family restaurant which is the Colombini's plaza.

Basically, what I'm in here for tonight is we've been actually looking at this, these parcels for quite a while and the -- the plan that we actually have up here is -- is I think -- I think this is concept 17B you will see on there and that's actually -- there is actually probably about 23 concepts that were looked at on this project.

And in particular, um -- one thing I should probably put up here, is a major item is access to the property, and that was one of the items that we had to actually look through and how does this site work. And that being said, let me just pull off this easement so we can see it actually.

MICHAEL NYHAN: You have posted up there the same thing you provided us, correct? Nothing has changed on that?

MR. TROTTA: It has not, but I just wanted to put that in as one of the things in our application is that actually Paul (Wanzenried) requested that we send everything that was approved and the family restaurant approval easement which was a condition of approval, was access to the rest of these sites through the traffic light that is in front of the restaurant. So what we're looking at right here that you have in your packet is actually right off of Chili Ave. where the traffic light is here, in alignment with Paul Road.

Basically, the -- when this restaurant was approved, part of the approval was to get this cross-access easement. So we wanted to -- we actually did reach out to those owners originally to discuss, you know, how -- how we work this out and -- and actually it was approved before. So this is kind of -- we would obviously be looking into tying into that access of the intersection.

ERIC STOWE: Can I step in for a second and ask you a question? Because I have been through this half a dozen times. There is no benefit to parcel -- to the Pontillo's parcel. Okay? Based on my review, do you guys have something that calls out where 3187 is benefited by the access easement?

MR. TROTTA: No. We do not, but -- but both of these parcels are under contract. So I'm saying this -- this is the parcel with the cross access. That's the benefitted parcel. This parcel over here (indicating), I guess -- and I don't know this for a fact in writing, but it was always an intention to tie whatever we could to the light, if you will. And -- when we had discussions with the Town Supervisor and whatnot. So we -- so we planned on tying both these parcels to the light and there also is that driveway to the Pontillo's.

ERIC STOWE: That is my main issue and my main question in all this, how do you intend -- because theoretically there could be an issue with the traffic from 3187 exiting at 3205, at the light. Because there is no benefit recorded in an easement.

MR. TROTTA: I understand what you're saying. I was looking at it more of a control standpoint because you control both properties. It was also a request from -- from -- some of the key players at the Town said we would like to have this all tied in.

ERIC STOWE: I get that, and I have had conversations, but just from a legal standpoint, that's where I see my chief concern. I just want to make sure you guys don't have anything at this stage for the purpose of 3187 to get out at the light at 3205?

MR. TROTTA: We do not legally. What we planned on doing, to answer your question, is this property would give access rights to this property, I guess, in line, if you will, cross access easements between the two properties. And then since this happened --

ERIC STOWE: Well, but that -- but that may require Town & Country at 3205 to give approval because they didn't sign up for the traffic at that parcel.

MR. TROTTA: Understood. Okay. I get that. I get that.

ERIC STOWE: They signed up and said yes -- I'm using business names and I shouldn't. 3195. Or 3193, excuse me. You can egress your traffic through us, but they never signed up for 3187.

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

ERIC STOWE: That is just something from my initial review that would need to be addressed. And there is also -- since I'm taking the mike here, there -- there's 3209, is benefited -- tire store essentially is benefited by that same easement.

MR. TROTTA: Correct.

ERIC STOWE: There is condition in their site plan approval that requires them to abolish curb cuts on the granting of access easements.

MR. TROTTA: Okay. Okay.

ERIC STOWE: So that's something else to look at.

MR. TROTTA: So really we have to look through this.

ERIC STOWE: No. We're not here to solve it tonight and I'm not trying to blow it out of proportion, but it is stuff -- from the onset, talking with DOT, because they're involved in this site plan, too, for the curb cuts -- it's DOT, it's Town, it's all that, but that was my review in going through it and I do appreciate you sending all of the easements over. It was helpful to go through that.

MR. TROTTA: No problem whatsoever. I appreciate you telling me because I didn't understand that either. I thought obviously that this guy has rights to this easement and we could have a -- cross access easements between, but I never thought this could impact that. So it is kind --

ERIC STOWE: No. Oh, no. It was a number of times, notes and maps.

MR. TROTTA: That completely makes sense. So let me restate that, that there were some legal issues that we're going to have to work out, but this layout is a desired layout from the Master Plan actually that the Town has, and also by pushing the building basically right up to the front, putting all of the parking in back -- as we know, the Colombini's has all of the parking in the front and it is one of the few buildings in the front that has completely the -- in opposition of what the Town ordinances is supposed to do and the design standards.

We -- we basically have the surplus parking. This would be mostly employee parking and surplus parking on this flag lot that is currently not developed. Right now if you guys are familiar with the site, that primarily the majority of the asphalt on the Colombini's is in the front and then it's gravel parking in the back and then it's just a mix of grass and just whatever -- whatever that grew up on this flag lot.

And then on the Pontillo's site this parking actually exists just like it is shown. There are a few parking spaces in the front. And -- and there is a paved area in the back. And then at the property line, it's a fairly significant drop off going back to the Target plaza that's in the rear. So we did not intend on infringing obviously on that -- on that retaining wall at all, and what the -- what the thought was, was -- was to reuse the existing Pontillo's building, but we tried like ten different ways to reuse it as it is, as it's built. And at the end of the day in working with different tenants, um, basically what we would be doing with that is taking the existing building, taking the roof off and rebuilding the roof to a configuration that -- that met -- that met the tenants that are proposed for it.

The tenants on this side, obviously taking down the Colombini's building, this building is brand new, moved to the road. So one of the things that I did submit is this is intended to be an Aspen Dental and a Five Star Urgent Care, would be the 6,500 square foot footprint, 3,000 and 3,500 respectively between the two. Aspen Dental is 3,500 and the Urgent Care is 3,000.

You will notice that everything meets with -- in general, we meet within -- the design criteria and the guidelines, the architectural guidelines except one thing. Um, we're basically -- we're consistent with the overall architectural styles because you have the -- you have the Target behind you, have you Chili/Paul Plaza, you have in the Monro Muffler that just got approved.

And it also -- the massing of these buildings does not overwhelm the existing buildings that are surrounding it. There is -- the one thing that is -- this is kind of the gray area, is that there is quite a consistency of hipped roofs or sloped roofs and it does look fondly upon there. But you also have -- if there are parapets or flat roofs in architectural guidelines, they're utilized to shield the -- any rooftop units or any equipment on the roof. And that is the intention on -- on these designs.

You will not see any rooftop units at all. They're completely covered with the parapet. It's a varying parapet that has architectural style. There -- there is awnings, fabric awnings on them.

We have articulation of a water table with stone and then it goes to brick piers and then it goes to EIFS elements above that and stucco element. So basically, scone lighting that goes across the whole thing. Tying into the existing building that's -- that we would be renovating, what this is going to be proposed for is obviously that -- the cat is out of the bag, if you will, on this is that's a Burger King, the smaller portion and then an AT&T Wireless, as well.

One of the significant things, as I -- I know normally, we're -- we're talking to tenants and we're basically in the -- in the evolution process, not getting into detail who the tenants are before the project is approved. This project, I will just -- I will just tell you, it was relatively expensive real estate, if you will, and being that it was, we needed all four tenants -- well, two technically, but there's -- but there is Aspen and Five Star are the same company, parent company. But we needed zero vacancy to make it work, so -- to have it pencil.

So all of these tenants have to be in and they have all signed letters of intent and are ready subject to Planning Board approval to go to the site. So -- so basically, we're literally building to suit in this case and there will be no vacancy and that's all long-term tenants.

The reason why I bring that up, we can't -- the project doesn't pencil if we just do Aspen and Five Star and we don't do AT&T and BK. It just doesn't work. So that being said, it is -- it is a legal concern that was brought up, because obviously for -- the whole intention of a circulation of the site and making this work, the -- you kind of have to tie the two sites together. So you're sharing parking.

And to meet the Town's objectives and put the building closer to the road, you know, we have to share parking in the back, as well. So we really do -- that is -- I honestly just brought it up tonight, but that is probably one of the main obstacles I can see on this project is the -- this -- this whole site has to be looked at as a whole, in a sense to meet the Town's objectives that are in your design standards and guidelines, and also have the tenants work in a mix and also have the

tie to the light.

So -- so I -- I can see that that is a big item. I know we're stressing on that. But tonight, I'm just kind -- I apologize. This one is not set in stone yet, but I will tell you it looks something similar to this. And I can kind of pass this around for you guys. I apologize I didn't put this in the package. This one hasn't been developed yet, but it is just -- it is in -- in the works right now.

That is not the final, but that has basically been passed to both tenants and they're -- they're commenting on it right now. But it will generally look like that. You will notice with the existing building, because it does jog, you already have that natural delineation between one tenant and the other so there is a nice articulation there, and I think that's pretty much it. So you're going from restaurant to restaurant. The Colombini's plaza is taken down and then that would be medical office, considered as business as far as classification.

Other than that, I'm just here to solicit feedback --

PAUL WANZENRIED: When the Board is done looking at that, could they put that on the cart, on the projector, please?

MR. TROTTA: I would have given that to Paul (Wanzenried) earlier, but that is literally hot off the presses. He can yell at me later.

MICHAEL NYHAN: So the buildings would have this green space between them? There won't be any connection across the front to show one continuous building with the remodeling?

MR. TROTTA: You mean the little triangle piece that's in the middle?

MICHAEL NYHAN: Right.

MR. TROTTA: This will serve two purposes. Landscaping in between, and we figure that is probably the best place for the transformer. You know, because you will need an electrical transformer there and rather than put it on a pad.

RON RICHMOND: Do we know the proposed hours of operations for all four tenants?

MR. TROTTA: Um, the only one I do not know is the BK and that one, um, I do not believe it's going to be a 24. I think they close at midnight, but I can confirm that for you, hours of operation on that. The rest of them will all be -- typically Aspen is open until 9 o'clock at night and they open -- I believe it's 9 to 9. And it is -- in some cases, even less than that, to 7 p.m.

The -- the -- the Urgent Care is not 24. It's not 24 hours.

And the AT&T is in that 9:00, 9:30 range they close. I believe they open at 10.

RON RICHMOND: So the AT&T store would probably be seven days a week, though, of some set hours?

MR. TROTTA: Yes. Yes. And Sunday hours are no later than 5.

RON RICHMOND: Probably Aspen is probably not Sunday. Probably Saturday hours.

MR. TROTTA: Correct. Aspen is typically by appointment and some walk-up, as well. Only one subject to hours of operation is obviously the Urgent Care. Urgent Care and BK would be more obviously convenience services.

RON RICHMOND: Thinking about the traffic going through Town & Country at peak times on the weekends. So that's all I have.

MR. TROTTA: And I will tell you that one thing with the design that is kind of key, I'm glad you brought that up, is that yes, the light is key, but as far as the BK with drive-thru, they would exit out here. I don't envision anyone cutting across the entire parking lot going out.

RON RICHMOND: They will come in Chili Avenue, go across the front of Aspen and circumvent.

MR. TROTTA: They will come along the back. The drive aisle is right in front of them. They would have to traverse --

RON RICHMOND: Is that going to be designated as one-way traffic do you anticipate?

MR. TROTTA: This could be one -- a one-way in, one way out. It could be -- it could be one way.

RON RICHMOND: Just across the -- just across the east/west face of the buildings?

MR. TROTTA: That is a question I would have to go back to Legal because I don't know if we can legally do that.

ERIC STOWE: Which part?

MR. TROTTA: I don't know if we could restrict this to one-way.

RON RICHMOND: Drive lane parallel to Chili Avenue, like one-way traffic going westward?

MR. TROTTA: Oh, you mean the front drive? The front drive we could definitely make one way and circulate around the building. I thought you were saying the exit.

RON RICHMOND: No. I could see people coming in off Chili Avenue, trying to come around the back to the parking, in the southeast corner when there are vehicles trying to exit from the drive lane.

MR. TROTTA: I don't see any issue with that and I will tell you specifically why, because as you notice, the only parking that is in front of the building, is in front of the BK. So there really isn't any parking there per se. So everybody would have to park in the back anyway. So for them to come in, for the Town & Country and go to the back makes sense, you know, rather than drive around to the front for the five -- the only five spots that are on there.

RON RICHMOND: Consideration of one-way traffic going across might be something.

MR. TROTTA: So something like that.

MATT EMENS: I want to take this a little further. You have talked about this. Why even have the driveway in front of the building? Why not push the new building up closer to Chili Avenue and front the street and -- and treat drive-thru -- because they're going to come through

the light, they will turn through the parking lot and make a right behind the new buildings. They will come around the driveway and go through drive-thru and pull back out on Chili Avenue.

MR. TROTTA: You have a valid point. You have a valid point, is that this little section of drive could -- could essentially go away. I -- I guess the only thing I would -- I would consider there is that -- well, two things. First of all, it is kind of nice from an emergency access to circulate, but what we could do is narrow that throat. So narrow that space in there and allows for a little more landscaping in there, as well. So I mean, if we did, to your point, narrowed it to one-way traffic, and say it is 12 or 14 feet wide, that would restrict that area.

RON RICHMOND: Then I would think about truck traffic coming in for deliveries, too.

MATT EMENS: That's a thing. It's a tight site. You have a lot of concerns to have there. I can just see it now, um, it's -- it's like the Tim Horton's over at the corner of -- not Jefferson. Up -- Erie Station and -- and -- or Lehigh Station. What am I thinking here? The Tim Horton's over there in East Henrietta, that tractor-trailer comes in and what it does, it parks off on the side. It parks off to the side and then unloads everything. It's always in the way. These tight sites will always be in the way.

But when you go back to the fire access, the thing is these buildings are close enough to Chili Avenue, you're not going to park a fire truck straight in front of that.

MR. TROTTA: Only problem with that, Matt (Emens), if someone is coming in BK for drive-thru, they will come in here (indicating) and circulate the building and go around. This entrance. Now you're forcing them all to the light. I think that retailers would have an issue if there was no drive access to get around. So basically, it almost renders this -- this as an exit only. So it is entrance and exit only, and I think that's going to be highly unlikely to get approved with Town & Country. You see what I'm saying? Because then you literally have enter only and exit only for the entire three buildings. Across the side. So I think there was -- one way makes sense, but they have to have some sort of circulation.

MICHAEL NYHAN: Just on that point, reviewing the Chili Center Master Plan, the whole idea is to remove -- the ability to move the buildings forward removes not only parking spaces, but vehicular traffic in front of the building to provide landscaping, outside seating for establishments. It is to remove that driving in front of buildings. That's the whole --

MR. TROTTA: I don't disagree with you. We would just have to reintroduce the driveway we're getting rid of. Right currently there is a drive lane we're trying to close off.

MICHAEL NYHAN: I understand. Just so you know, it is to close off driveways and have more central points of movement out on Chili Avenue, so the vehicles would have to force them to use the signal light to enter and exit that property. Not just enter, not just sit. So really when you look at the Master Plan for Chili Center, it is to remove as many curb cuts as possible, bring the traffic movements out to signal intersections and traffic movement behind buildings. So what you're looking at by removing the front driveway is also to remove that entrance/exit, if you will, in front of where Burger King would be.

Also, the intent is to have locally owned business rather than national fast food chains in that Master Plan if you review it.

MR. TROTTA: So two things have to happen. First of all, we need the Board to talk to this, to make that happen, and second of all, we have to get the price -- half price -- unfortunately, no local could afford what they're asking for. That's the reality.

MICHAEL NYHAN: Just letting you know.

MR. TROTTA: I know what the intention --

MICHAEL NYHAN: That will be a concern of the Board when you come in front of us. I know there are legal issues you need to work out. Just work them out before you come in front of us, as well.

But this entire plan if you look at Master Plan for Chili Center that was developed has these items of driveways in front of buildings, parking in front of buildings removed, and park-like areas, seating areas for dining, if you will, but not for traffic movement or for driveways to be running parallel to Chili Avenue. It's to move that behind the buildings, and to force people to use signal lights which is the whole purpose of eliminating the curb cut at 3209 which is now Mavis Tire and having them also enter and use that signal light.

So the Master Plan is pretty clear about that and this doesn't follow the Master Plan.

MR. TROTTA: I will agree to the letter of -- of the law, Mike (Nyhan). It's more that we tried to conform to the Master Plan as much as possible if I could restate that and a -- and not go to what we could have done is -- just done an as of right and just renovate Colombini's and left the parking lot in front which does not conform to the Master Plan. But as of right, you can get a building permit technically off that. So that's what we're trying not to do.

We're trying to say okay -- I mean literally if you looked a -- which I have a copy of it here, the Master Plan, the Chili Master Plan, alternate one, and you look at how this is, it is literally like you put a thumbnail sketch on top of it. They were literally keeping the Pontillo's building and I think I have it with me, and putting around this size building, as close to the road -- you're right by the only thing is -- is we got rid of all of the parking in the front and we did have a need for a drive aisle. So that -- I don't disagree with you that the intent, the rigid intent of the plan was -- was to get this, but it is also the intention of the plan to have all of the new businesses start to conform with a different vibe and we're trying -- we're trying to conform to that different vibe within reason. That's all. That's all I'm saying.

JOHN HELLABY: I think you're going to be extremely challenged with the traffic flow for that drive-up window. It would be interesting to see what you come up with. The other thing I have got, if I'm thinking this right, is not that Target parking lot like 20 foot below that lot?

MR. TROTTA: It is.

JOHN HELLABY: How are you addressing that?

MR. TROTTA: It's already -- this parking lot is already like this. So basically, this -- this over here is not (indicating). This starts to slope down. It is this ridgeline right here, and it already is gravel back here. And it is already all completely paved back here (indicating).

So basically, if you go back there right now, there -- this property line right here stops and then it slopes beyond the property line. All of the sloping is at the edge of the property line. So this is the grade change down here. This is all flat on the top.

JOHN HELLABY: I assume there is guide rails?

MR. TROTTA: Yes. We'll have that. This is concept. You're absolutely right. We don't want anyone driving off that edge, that's for sure. There are knock-out guard rails there now. I realize that.

DAVID CROSS: I mean -- access is everything. The biggest part of this project. You know that. But you know 3205, Town & Country, if we do any sort of cross-access easement there, I don't see how they can be left with any parking spaces in the front of the -- their property. I just don't see it.

MR. TROTTA: That is a good question. Part of this easement is -- is anything that was taken away from here has relocated, and we plan on this entire seven spots. We're taking three spots and giving them seven. These three spots would be --

DAVID CROSS: I think you have to take more than three spots from them. You're looking at vehicles reversing into this drive path. It's -- and especially if you're going to do the same thing with 3209, the Mavis, you're going to cut off their access onto Chili Avenue and bring them out into Town & Country parking lot, you're losing spots there, too. I can't really see any parking spots being left up front there.

MR. TROTTA: Now, I can understand what you're saying, but the Mavis one was the ability for Mavis to get to that. They already agreed to that easement. So the Mavis one, that is beyond my scope of the project, if you will. But this easement is on your record. So basically.

RON RICHMOND: Town & Country has already agreed?

MR. TROTTA: Yes.

MICHAEL NYHAN: Well, this whole thing with easements could -- is going to be worked out through legal means and if it ends up they have to eliminate them, they have to eliminate them.

DAVID CROSS: My point is I don't think Town & Country will be left with many or any parking spots in the front of their building. To get that many cars out onto Chili Avenue, right at the -- right at intersection.

MR. TROTTA: Don't disagree with you, David (Cross). What I'm saying is this 7 and we also have another 22 -- they will actually have more parking access than they have right now.

DAVID CROSS: Love it.

MR. TROTTA: They will go from probably 12 to 30 they have right available on the edge.

DAVID CROSS: That's great.

My other point -- the best way to access the back of 3193 and 3187 is through the Target parking lot and has that been investigated to get a cross-access easement to the rear of that 20 -- 42 parking spaces?

MR. TROTTA: You mean here (indicating), talking down here (indicating)?

DAVID CROSS: Yes. That's the best way to get to it. Flattened out.

MR. TROTTA: I'm not sure. That's -- it's a good point. We could definitely look into that. I'm not sure how -- how this -- how far -- I know right up here (indicating) there is no way. This is like a 25 foot tall wall. But over here, it does start to slope down.

PAUL WANZENRIED: It -- it is farther south it flattens out. Where -- where Ray (TroTTa) is showing his parking, there is still a relatively high elevation change.

DAVID CROSS: Something to look at still. Trying to find some -- some access, cross access --

MR. TROTTA: It would have to come down here and up.

PAUL WANZENRIED: The issue, as I say, David (Cross), is in front, that is where Town & Country has their ADA parking. That's probably what is going to be displaced, is the ability for those vehicles -- they would be back -- they would park head on to Town & Country. You would have to back out into an oncoming traffic situation.

DAVID CROSS: That doesn't work.

PAUL WANZENRIED: But if the easements were signed and filed, then Town & Country has full knowledge they're going to lose them, should these -- these egresses or easements come to fruition.

DAVID CROSS: Absolutely. It's all part of their deal.

MR. TROTTA: And that -- honestly, this was key to this project.

DAVID CROSS: Oh, sure.

MR. TROTTA: Without a question. You're absolutely right. The access was key.

DAVID CROSS: Just in general, I do like seeing the buildings pushed closer to the road as the Master Plan calls for. I think probably some asphalt drive out there is warranted for emergency fire access. Kind of exciting to see where this is going to go.

MR. TROTTA: Fair enough. I know the access is a big one. Without question we knew that. So -- we have to work it out. I did not know about the legal aspect of the second lot.

RON RICHMOND: I think it will be a good use of the property if it can all be figured out.

PAUL WANZENRIED: I think you want to talk snow storage. I think you want to talk

dumpster enclosures. I see one dumpster there. Not --

MR. TROTTA: We would -- right now we're at concept plan right now. But you are absolutely right. We would have some dumpster enclosures over here. Snow storage would probably be generally to the outside -- as you notice, we're not showing the exact property line edge. It goes further. So we would be pushing it. It doesn't go a ton further.

PAUL WANZENRIED: You also have to deal with the building, that you have sufficient -- you have sufficiency in parking, because there's the 250 foot requirement, okay? And you -- you want to be looking at the throat between that drive aisle by -- by Burger King and Karpinski (phonetic)'s property to the east?

MR. TROTTA: This does allow for a bypass lane. We basically have -- that's -- that's right at that edge. I believe it has 8 and 12, so I think it is 20 feet.

PAUL WANZENRIED: How do they enter into Burger King in through the front? If I'm parking in back, where do I walk around?

MR. TROTTA: Burger King, there are two doors, to answer your questions. I don't have it in here. There is going to be a door right up front and a door in the main back, as well. So if you have been -- if any of you have been in the space of -- next to Pontillo's where the bathrooms are, what we intend is the bathrooms would still remain where they are. That would be the rear door, going past the restrooms and the front door would be off front parking. You have two entrances. That is pretty common on some Burger Kings in urban areas.

MICHAEL HANSCOM: One thing that hasn't been brought up is always my concern as Town Engineer, how will you address storm water management for this site?

MR. TROTTA: We're not showing it right here to answer your question, but it's going to be -- the property extends beyond here so the storm water will be placed in this area (indicating). There would be some -- some pick-up over here, as well, but generally storm water is on the site but towards the back -- back of the lot.

MICHAEL HANSCOM: So you will -- will have a pond back there basically.

MR. TROTTA: Yes. Probably bioretention at the rear potentially. It probably won't be a retention pond. Probably will be a detention.

MICHAEL HANSCOM: You have over two acres of area you're disturbing to a bio --

MR. TROTTA: It will be a pond by the term "pond," yes. Whether we're holding water there or, you know, that's -- that's the question. We're draining to it. We're draining to it is what I'm getting at.

MICHAEL HANSCOM: You have storm water quantity control to have to provide that also.

MR. TROTTA: That would be all closed drainage obviously to that back area.

MICHAEL HANSCOM: They own enough property so they can do that.

MR. TROTTA: That is what the intention was.

MICHAEL HANSCOM: That would impinge on your ability to extend that drive lane to get down into the Target parking lot.

MR. TROTTA: Yes, would it. That's a good point. I -- I think it's a great point from David (Cross) to try to do that, but it's going to be so far to get where it's graded, it will probably not be practical. And also negotiating with Target, as Jess (Sudol) was stating earlier on the developers, if you negotiate with national retailers, it's a completely different ball game at that scale.

PAUL WANZENRIED: Did -- Mr. Hellaby mentioned the grade change there directly behind the buildings, the Target parking lot. So then you -- were you talking about that drive aisle and the parking that is against that and how that would need to be protected by guardrail or something of that nature?

MR. TROTTA: Without question.

PAUL WANZENRIED: Is that what you were saying? Okay. You're not pushing snow over there, either.

MR. TROTTA: No, no. Absolutely not. I don't think you have to worry about the Town if we did that. I think Target's attorneys would call us.

MICHAEL HANSCOM: Also in order to capture the storm water, all of the way would have to be -- be curbed.

MR. TROTTA: Yes. It would have to be closed drainage on that. The entire site pretty much. This would all be perimeter curb that goes around. And then we have some opportunities as you get to that back flag, but beyond that. It would be much better than it is right now. Right now, it is sheet-drained on the asphalt. There is no curbing on the outside edge, and there is a couple of pine trees along that edge, and then it's gravel on -- on the other side. So it is kind of like overgrown a little bit back there.

MICHAEL NYHAN: What is your timetable?

MR. TROTTA: Our timetable on this one is -- they're literally chomping at the bit to start working on it. What they would like to -- obviously we have some legal work we have to do, but I mean it's going to be contingent on the Board's timetable, which I was going to ask you as a question, if we could get this worked out, I would like to come in for preliminary within 45 to 60 days range and that if we could get the legal worked out -- and in that case, I would say they would want to put a shovel in the ground probably within 120 days.

MICHAEL NYHAN: Okay.

MR. TROTTA: That quick. So to answer your question, they would like to have this completely constructed by, I would say, this year without a question and potentially even for -- these -- other than AT&T, most of the retailers, the business they're not on a construction

season -- I'm sorry, the holiday season as much as a typical retailer would be. So I would say AT&T may be, but that is an existing building and we could probably accelerate that.

But I would say the Aspen and also BK are more on fiscal year by having them done within 2017 if that answers your question.

MICHAEL NYHAN: We would expect the legal issues to be worked out before you would get to preliminary.

MR. TROTTA: Of course. You would have full engineered plans before you guys even have an opportunity to -- to really give some solid input on it.

ERIC STOWE: If I can just make a suggestion, talk to Dave Lindsay, talk to DOT. Get something together for access. I get what you're doing. I just -- I mean, it's really no different than if you were only buying the Colombini's plaza and then buying Target plaza and a -- say we'll just let Target plaza use the access. It's a function of scale. Well, it's just a small, two-building parcel, but at the same time if it is not served by that easement, we have problems.

MR. TROTTA: I have to look at -- you reviewed it probably more thoroughly than I did. I know originally I was told that the intention was to tie them in.

ERIC STOWE: Well, it looks like the intent is to form a shopping center plaza. It calls it right out in your whereas paragraph. They want a shopping plaza feel, so -- but the only parcels served is 3193, 3205 and Mavis. So you're missing one piece.

MR. TROTTA: I'm not sure why they didn't add that at that time.

RON RICHMOND: Potentially the biggest traffic piece.

MR. TROTTA: You're right.

RON RICHMOND: Once Town & Country realizes that --

ERIC STOWE: That you're getting a drive-thru.

RON RICHMOND: Yeah, because they are.

ERIC STOWE: That's -- I would call Dave (Lindsay), get DOT. I'll be happy to talk with you and work what we can, but there is an issue there for that.

MR. TROTTA: I would agree. Appreciate that. Thank you very much for hearing me out.

Michael Nyhan made a motion to approve the 2/14/17 meeting minutes, and John Hellaby seconded the motion. All Board members were in favor of the motion.

The meeting ended at 10:45 p.m.