

CHILI PLANNING BOARD  
June 9, 2020

A meeting of the Chili Planning Board was held on June 9, 2020 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Joe Defendis, Matt Emens, Glenn Hyde, John Hellaby, and Chairperson Michael Nyhan.

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

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 Rochester's Cornerstone Group Union St. LLC. 30 Grove St. Pittsford, NY 14534; for preliminary site plan approval to erect 1 apartment building totaling 24 units at the property located at 154 Union Square Blvd. in the PRD (Planned Residential Development) District.
2. Application of Rochester's Cornerstone Group Union St. LLC. 30 Grove St. Pittsford, NY 14534; for preliminary site plan approval to erect 6 apartment building totaling 48 units at the property located at 3327 Union St. in the PRD (Planned Residential Development) District.

Ed Parrone, Ryan Brandt and Zacary Romano were present to represent the applications.

MICHAEL NYHAN: Is audience permitted in here tonight if they come to the door?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: At our last meeting, um, you were here and you presented your entire project. There were two areas that you needed completion on. One was the delineation of your wetlands and the other one was your storm water management plan.

And we also gave several recommendations on looking for things as far as landscaping and better landscaping plan to in some way mitigate noise and visual issues between your property and the property that will -- that you will surround -- I don't have the address.

Do you have that address?

MR. RYAN BRANDT: 3331.

MICHAEL NYHAN: 3331 Union Street. Okay.

And we held the Public Hearing, but we left it open so tonight you can review any changes you made, present what you have done to the Board and for the public to hear and then we'll proceed from there.

MR. RYAN BRANDT: All right. Good evening, everyone. My name is Ryan Brandt from Rochester's Cornerstone Group here to discuss the Hubbard Springs Apartments, as mentioned, a two-parcel project, 154 Union Square Boulevard, 24 units. That's the one main elevated building.

And then 3327 Union Street, which are the six eight-plexes we call them or eight units, two-story buildings.

We are -- we're here -- as Chairman said, we're here to address some of the comments that we received -- I suppose we did come to the Architectural Advisory Committee on May 12th, as well. I think there were some -- some items that spanned both the AAC meeting and Planning Board meeting.

So I thought to review the first one, one of the comments was that the -- there was a desire to note the selections for the siding colors we were proposing. So the only change you would see right there in the 24-unit building against the two-story building on Union Square Boulevard, just to reflect the cedar impressions on the bump-outs here. So this is a premium coloring of Newport Bay, blue cedar shake, so we can provide all of the color specifics as well in submission to the AAC if that is desired.

Then these are -- there is a 3 1/2 inch Vytex band. I think that was another comment from the AAC. Harvard Gray cedar shakes in the gables right here, the three gables in the front and then the gable -- the side gables, as well.

Harvard Gray siding on our remainder of the buildings, the non-bump-out spaces, I guess I will call them.

The exterior sconces was another item that the AAC had -- had commented on. Just going

to be simple LED wall packs, so nothing too fancy. We can submit those separately to the AAC, if desired. The dumpster enclosures were brought up, as well. That is something that we'll have as a stained cedar gray, transparent -- a nice oil-based stain that will stay on for a good amount of years.

And the plantings for the dumpster enclosures, I think there was some clarification with the height of those, that they will be planted at -- they will be planted at 5 feet and grow from there. I will make one last clarification I have from AAC.

MICHAEL NYHAN: Paul (Wanzenried), there is somebody at the front door.

Go ahead.

MR. RYAN BRANDT: So we did -- there was also some discussion of the buffer between ourselves and our neighboring property who, I believe, is waiting at the front door.

MICHAEL NYHAN: Okay.

MR. RYAN BRANDT: Ed (Parrone), do you want to go over the -- the SWPPP and the delineation?

MICHAEL NYHAN: Yes. And you will go over your meeting with the neighbor once he arrives?

MR. RYAN BRANDT: Yes.

MR. PARRONE: For the record, my name is Ed (Parrone) from Parrone Engineering here on behalf of Rochester's Cornerstone Group. And thank you, Mike (Nyhan), for allowing me to speak this evening. I did submit a letter this afternoon Paul (Wanzenried) told me the Board got a copy of.

The two areas were first the wetland area, which we have delineated and on the drawings, the wetland is primarily the ditch on the large parcel, the ditch. On the small parcel. And where Building 6 -- our consultant -- Environmental Resources, they found a 2/10 of acre of Army Corps wetland that was most probably created due to the construction when the road was built for Union Square Boulevard.

Because of that, we would have to mitigate that because it's more than 1/10 of an acre and in my letter to you, Paul (Wanzenried), we will -- will, in fact, do that on the border of Mr. -- Mr. Brandt, who is the President of Rochester's Cornerstone Group, still has lands off of Paul Road. If you're familiar, that was land banked for wetland -- for wetland mitigation and we are going to use that facility as a mitigating factor for the wetland on this particular property.

The other wetland is not impacted. In fact, the one on the small acreage is primarily off of our property.

As it relates to the SWPPP, um, just to give you an overview of the drainage on both projects, the paved areas, both on the six-acre piece and the two-acre piece, there is storm water quality bio filtration bed systems for all of the pavement in the six-acre as well as in this particular acre (indicating).

Our intent originally was to discharge the roof leaders of all of the buildings directly to either the ditch or a storm sewer system.

For example, the two-acre site, the storm laterals or the downspout laterals will discharge and go to daylight into the stream. What we are going to propose here is an exception there of --of the bio swale to collect that water before discharging to improve water quality for that project.

On the six-acre parcel, it's a little bit more complicated because of the tightness of the site. As I said, the storm sewer system for all of the paved areas will go into this bio system. What we're proposing outlined in my letter to Paul (Wanzenried) is the area along this -- this area along Union Square Boulevard, Buildings 4 through 6, we'll be proposing a bio swale, a bio detention swale to pick up these areas for these six -- these three buildings.

These three buildings (indicating) we suspect that we will be able to -- we do have to finalize and design that, but Building Number 3, we may be able to discharge directly into this storm water bio retention system.

These two buildings, however, we're looking at doing rain gardens. We talked to Dave Lindsay about the approach today. He seemed -- in fact, he actually suggested the possibility it might be a better solution in that particular area. So those are the areas that we are going to actually do water quality for all of the buildings and we have to and we will meet the Storm Water Pollution Prevention guidelines as it relates to storm water quality for both of those areas.

And the last thing, and again, I think we did this on June 5th, we made a revision to reflect this on the SEQR document short form EAF so it is right and proper for this particular project.

With that, I will turn it back over to -- unless you want to get in and describe what we're doing for mitigation on the resident, or do you want me to do that?

MR. RYAN BRANDT: I will go ahead with that.

MR. PARRONE: Go ahead.

MR. RYAN BRANDT: So one of the items that was brought up in the last -- the May 12th Planning Board meeting, at the Public Hearing that obviously is still open tonight here, was the potential impacts to our neighbor at 3331 Union Street. Mr. Destain had some concerns about the impact of our development. About several of the things, visual, noise.

So we took the last few weeks or so to look what we could do to try to mitigate those within reason. I -- there was some emails exchanged. We actually walked the site. One -- one Saturday during -- I forget the exact date. But walked the site to get an idea what some of his concerns were. So there were a few changes that we made to the site plan trying to accommodate or lessen what the perceived impact would be.

First of all -- so moving the parking -- so initially there was some parking corral that was

facing the residence at 3331 Union Street. 3331, excuse me. So our thought was let's get the parking away from there, even though there would be some sort of buffer here. Let's see if we can find some different locations for across the site. We were able to do that. I think there were three spaces added here and one added to several other spots across the site.

MR. PARRONE: Right. Right.

MR. RYAN BRANDT: So that was one thing we had done to try and address that concern.

Additionally, we're now proposing a fence, a -- a 4 foot wooden fence. To our understanding, that is the maximum that we can do under code as Union Street is this parcel's -- is our parcel's front yard, it's deemed a 4 foot fence is the interpretation we received. That would be the highest without any sort of variance. That is what we have on the plan right now. It's stated as a minimum of a 4 foot fence. In order to stay within code, it would need to stay at that. That would go all of the way around the property, all of the way around our buffer with 3331 Union Street that would provide any type of -- that would provide a buffer for potential foot traffic that could go with our residents across his property and provide -- if it is 4 feet, there is some level of visual barrier.

And then additionally, we added a -- we added the note in the drawing that there was a -- that was distributed, the new draft, that we'll do as best we can -- we'll leave as many trees as we can along that property line. We -- obviously for these buildings, there -- especially this one in particular, there is certain things with construction that we're not going to be able to leave this entire 30 foot buffer between the building and the property line. But working with our general contractor, Lecesse Construction, we had a pretty good idea of the radius around the building that they need to clear.

So we do feel that there is a good 10 feet or so that we'll be able to keep 10 feet of -- of current existing trees there. Our -- our proposal is that we would meet sometime before construction, maybe a few weeks before construction and walk the site with ourselves, our general contractor, the landscape architect and the property owner and try and mark the trees in some way. We're looking to -- whether tie a ribbon or mark it in some way to see what we can do. And then during the clearing efforts, as most people know, it's usually only a few-day effort to clear the trees. But we will set a time to meet on the site and review with the team can we keep this tree or have it to be taken down. So it will be a -- we'll do the best we can to keep the trees that are existing there to provide that natural buffer.

We will still in-fill in select locations with some new plantings. But I guess the one other piece to this that I wanted to add was that along Union Street here, we're proposing to keep as much of an existing vegetation buffer as we could. One of the comments for the Planning Board last month was that this could be dressed up a little bit with some landscaping. But our thought is for the privacy of our own development and also for the privacy of our neighbor, cars driving north and south on Route 259, if there was that buffer, we could keep that, there would be less light sweeps or light hitting his house, especially at night. That was something we're going to propose to the Board as opposed to new plantings, is keeping as best we can -- and if for whatever reason we can't keep that existing vegetation along Union Street, then we would have to replace it with some sort of plantings.

So those were the bulk of our discussions. I don't know if you have anything else to add at this time.

MR. PARRONE: There was one other thing. We neglected to tell you that we did obtain the variances necessary for the occupancy for storage. There were a couple variance requests. One for the outside exterior versus interior and the other is the percentages of storage. So the variances were granted at the last ZBA meeting.

So with that, we'll be more than happy to answer any of your questions. Again, we're looking to go try to get from you all at least SEQR and preliminary and I will go for the whole enchilada for final, as well. We have addressed a number of the Town Engineer's comments. He sent back some more revisions that we need to incorporate. We're in the process of doing that at this time.

MICHAEL NYHAN: I would like to note at the last meeting Joe Defendis had recused himself.

And, Joe (Defendis), you will be recusing yourself from this meeting, as well?

JOE DEFENDIS: I am recusing myself.

MICHAEL NYHAN: Due to a previous employment relationship with the applicant, correct?

JOE DEFENDIS: Yes.

MICHAEL NYHAN: I will ask Matt (Emens) if you have any questions and if you can comment on the new elevation, as we see. It sounds like it follows everything you recommended. Can you just confirm that?

MATT EMENS: Yes. Excuse me. I think Ryan (Brandt) did a nice job of recapturing that. So I think that covers everything we asked for. So I think as long as those colors and those updated drawings with those specifications and color selections are submitted to the Building Department, I think that that checks the box and then the cut sheet on the exterior lighting fixtures. So if you have that to share with the Building Department, that's probably sufficient.

MR. RYAN BRANDT: Sure.

MATT EMENS: I think that was it. So as for comments or questions here, based on what you guys have provided and what we're looking at, I will start with the fence. You made a specific note and it is in here and I guess I missed it the first time.

You're making it 4 feet because you think that is all you're allowed by code?

MR. RYAN BRANDT: Correct.

MATT EMENS: Without asking for and receiving a variance?

MR. RYAN BRANDT: Correct. Yep.

MATT EMENS: So do we -- from a -- I guess -- a 4 foot fence is way better than a no-foot fence, and I guess I just wonder if -- is 4 foot really enough, or should we be talking --

MR. PARRONE: Matt (Emens), to answer your question, and if you have been to the site, Mr. Destain's property is higher than our site. And a 4 foot fence is more to really contain people coming into his yard.

MATT EMENS: Yep.

MR. PARRONE: But from a visual standpoint, unless we build a 12 or 14 foot high fence, you will never block out what is there, because he is about 5, 5 1/2 feet higher than what we are.

MATT EMENS: So based on the elevation, that 4 foot fence actually does a lot more than one would think?

MR. PARRONE: Right.

MATT EMENS: Understood.

MR. PARRONE: That's the best way I can interpret it.

MATT EMENS: And it specifically says "solid wood fence" --

MR. PARRONE: Yes. It is a solid fence.

MATT EMENS: So it's not a --

MR. RYAN BRANDT: Not chain link. Or south wood --

MATT EMENS: Is it going to be board-on-board privacy or I guess -- just that little detail of that.

MR. RYAN BRANDT: The thought was board-on-board, yes.

MATT EMENS: Okay.

MR. RYAN BRANDT: Board-on-board, pressure-treated wood.

MR. PARRONE: Probably the same colors, like we were doing for the dumpster, Matt (Emens).

MATT EMENS: Okay. That will make sense.

MR. RYAN BRANDT: We weren't going to necessarily commit to staining this fence, though, the same color as the dumpster enclosure.

MATT EMENS: I don't think that makes sense. You want it to be more natural, which is what you were going for originally.

MR. RYAN BRANDT: With the enclosures, yes. But we're staining the enclosures but not the other fence.

MICHAEL NYHAN: When you move on from the fence, just to interrupt, to get an interpretation, Paul (Wanzenried), I believe the front of the house is 4 feet, but once you get beyond the buildings in the rear part, a 6 foot is permitted back there.

PAUL WANZENRIED: If I was talking about Mr. Destain's property, yes. But I'm not. I'm talking about 3327 Union Street, and that's the problem.

DAVID CROSS: If I may, at the 75 foot setback off of Union Street, could we transition from 4 to 6 feet at that point? Is that what you're saying?

MICHAEL NYHAN: Yep.

PAUL WANZENRIED: East/west legs you want 6 feet and north/south leg you want to run 4 feet?

MICHAEL NYHAN: From the front of the building, 75 foot from Union Street to the front of the building, 4 feet. And then from that corner of the building, around and behind 3331 and back up to the front corner of the next building, that -- that I think should be permitted to be 6 feet and in front of it would be 4 feet.

DAVID CROSS: That's how I'm seeing it, Mike (Nyhan).

MICHAEL NYHAN: So what we're discussing is the 75 feet from Union Street to the corner of that building would be 4 feet. And quite honestly, I think I would rather see 4 feet because we don't like 6 foot fences out by the road. But from that corner of the building to the back corner of 3331 and then along the western portion and back down the edge of the next building --

MR. PARRONE: Like this (indicating)?

MICHAEL NYHAN: Right. And then stop at that building and put a 4 foot from there to Union Street.

MR. PARRONE: In other words, a transition --

PAUL WANZENRIED: But you're jogging -- so play this out --

MICHAEL NYHAN: Sure.

PAUL WANZENRIED: -- aesthetically.

MICHAEL NYHAN: Right.

PAUL WANZENRIED: You're going to run a 4 foot 75 feet back.

MICHAEL NYHAN: Right.

PAUL WANZENRIED: Then you're going to jog to 6 feet?

MICHAEL NYHAN: Right.

PAUL WANZENRIED: Jog back down and take it south at 4. Then you jog back up 6 --

MR. PARRONE: No, no, no.

MICHAEL NYHAN: No.

MR. PARRONE: No.

MICHAEL NYHAN: What I'm talking about is starting on the north part of the property

75 foot 4 foot fence, continuing to the back corner. The west end would be 6 -- no. The west end of 3331 would be 6 feet.

MR. PARRONE: 6 feet.

MICHAEL NYHAN: The south end up to the corner of the building would be 6 feet.

MR. PARRONE: So a horseshoe around the residence up to --

PAUL WANZENRIED: But the rear end of Mr. Destain's property is your road frontage. It's considered frontage. That is your front setback.

MR. RYAN BRANDT: Even though we're coming out to Union --

PAUL WANZENRIED: Your address is 3327 Union Street. So everything is based off of that.

MR. RYAN BRANDT: Your interpretation was still 4 feet all of the way around?

PAUL WANZENRIED: My interpretation is 4 feet all of the way around without a variance.

MR. PARRONE: So what we're looking at, if the Board requires it, we'll call it the western boundary line of Mr. Destain's property to make it 6 feet, we would have to get a variance of 2 feet along that property line.

PAUL WANZENRIED: That's correct. That's the way it has been done.

MR. PARRONE: I'm not disputing. I just want to understand the facts.

MICHAEL NYHAN: Then we're looking at a --

MR. RYAN BRANDT: If the fence were on Mr. Destain's property, that's a different story; correct?

PAUL WANZENRIED: That's correct. That is why I keep saying 3327 Union Street is based on the address of the road -- address of the property. I understand you're saying, "We'll, I'm at Union Square," but everything comes from the property address, where the road frontage is.

MR. RYAN BRANDT: For purposes of this meeting tonight, we're going to have to stay at 4 feet. Obviously we're not going to -- we're not going to propose anything else right now.

MICHAEL NYHAN: So the 4 foot fence would almost be level with the land on 3331, but you're saying 5 foot higher.

MR. PARRONE: Approximately that. Mr. Destain's property is higher than ours today.

MICHAEL NYHAN: Right. Okay.

MATT EMENS: Keep going?

MICHAEL NYHAN: Keep going.

MATT EMENS: So the next one, I guess, is -- I made the comment on the trees or landscaping on Union Street, too, was -- you had mentioned the existing vegetation and trying to maintain that. I guess the only thing I think of when I drove by there and trying to look at it quickly a couple times, I think, before the previous meeting, not before this meeting, but I guess I would just like to understand that sounds great in a meeting. But we don't have it actually surveyed.

So to say the existing vegetation, that may actually -- pardon my French, but it may look like crap. Whereas, you're building this new development, you're putting some really nice landscaping and then you just say we're just going to --

MR. PARRONE: Leave this (indicating)?

MATT EMENS: Yeah. That doesn't mean that you couldn't -- I'm not saying there isn't something good there that you couldn't survey it, but if it is all sumac and what the heck ever, I mean that doesn't really help. You know? So I guess I would just --

MR. PARRONE: You're almost referring to like a tree survey.

MATT EMENS: Well, I guess what I'm saying without any of us really knowing what is there, I just don't -- this is not your backyard where we just spent a bunch of time saying it's your front yard and you're fronting that street.

MR. PARRONE: Which we are.

MATT EMENS: And I think it is -- would be responsible for you in this development to -- to just, you know, continue doing the nice job that you're proposing to do here and show us you have something that is worthwhile to keep, and that is fine if you want to do that, or propose something that matches, you know, in kind with what you're already talking about doing with the nice street trees you're doing on Union Square.

MR. RYAN BRANDT: Yep.

MICHAEL NYHAN: In looking at your draft proposal -- that's what I thought it was going to be, because the red lines were on the top and it indicates these are going to be 40 to 70 foot high Arborvitaes and different types of trees. So I thought you were going to take -- by looking at this, you were going to take the landscaping right around the corner and come right up the front to here (indicating) on both sides, because that is where it is delineated -- and I would agree with Matt (Emens) that you go by, it is. It's a bunch of viney stuff, brush. Again, I would rather see landscaping there, also. Much like you did along Union Square, just continue it along Union Street.

MR. RYAN BRANDT: Okay.

MICHAEL NYHAN: Sorry to interrupt you again, Matt (Emens).

MATT EMENS: That's okay. Thanks for helping me reinforce my point. I think that is all I got right now. Thank you, guys.

JOHN HELLABY: For my own sanity, Ed (Parrone), I have to ask you this question.

MR. PARRONE: Okay, Al (Hellaby).

JOHN HELLABY: Back in February 11th at the Planning Board meeting, I asked point

blank about the wetlands.

MR. PARRONE: Right.

JOHN HELLABY: I got, "No wetlands. It's not a problem."

And all of a sudden, it is a problem.

MR. PARRONE: It's not really --

JOHN HELLABY: Why did we get lost in translation?

MR. PARRONE: In 2010, when our consultant went out there, there was no wetland there. Now, that's 2010.

As I said, Al (Hellaby), this happened because due to construction over time and yeah, the road was there, and maybe the weeds weren't high enough or the cattails weren't high enough that didn't warrant it, but we're only talking about 2/10.

Now, keep in mind, this wetland was created by construction. It's not a natural wetland. And we're talking 2/10 of an acre. And this is easily permittable and easily mitigated by -- in other words, land-banked property. This is not a high significant wetland.

Al (Hellaby), it is -- just happened. It blew me away, too. Because I asked him. I said, "Where in the heck did this come from?"

MR. RYAN BRANDT: The term our consultant used was an "emergence wetland."

MR. PARRONE: I have been down that road with wetlands.

JOHN HELLABY: That's fine.

I guess my next point is an answer from you, Ed (Parrone) and/or Michael (Hanscom). I'm looking at a June 4th letter from Mike (Hanscom) --

MR. PARRONE: Right.

JOHN HELLABY: -- nine pages. There is an awful lot of "this is not allowed" or "this is incorrect" in here.

MR. PARRONE: That's the SWPPP. That's the SWPPP.

JOHN HELLABY: Are we close to agreement?

MR. PARRONE: Yes.

JOHN HELLABY: Are we sure there is no show-stoppers? I didn't go through --

MR. PARRONE: There's a variety of things that are technical in nature that we have to hammer out with Mike (Hanscom). There's no show-stoppers here. All to do with the SWPPP.

Is that right, Mike (Hanscom)? The SWPPP and some plan issues we have to address?

MICHAEL HANSCOM: Yes, that's correct.

JOHN HELLABY: All right.

MICHAEL NYHAN: To follow up on that, based on those changes you will need to make, do you feel you can incorporate it without changing the plan we're reviewing tonight and you're seeking approval on?

MR. PARRONE: We have to do it that way.

MICHAEL NYHAN: Unless you want to come back again --

MR. PARRONE: No, Michael (Nyhan). We don't have a lot of options. There is not a lot of wiggle room here. We have to make the storm water work the way the property is today, because it's very, very tight.

MICHAEL NYHAN: All right. Al (Hellaby), anything else?

JOHN HELLABY: No.

MICHAEL NYHAN: To get back to the fencing and to the landscaping around the property, where is the fence going to be? Right along 3331's property line?

MR. PARRONE: Or just inside it. Just inside our property.

MICHAEL NYHAN: So that means you have to remove all -- or most of the vegetation to get that in there to do your construction?

MR. RYAN BRANDT: Along the property line.

MICHAEL NYHAN: So you will be planting all new plantings to surround that property that will screen 3331, correct?

MR. RYAN BRANDT: Right. So as outlined in the updated proposal, some numbers starting -- you see there is the -- the new height at planting --

MICHAEL NYHAN: You're talking about this draft proposal we just received?

MR. RYAN BRANDT: Yes. Junipers, Spruce and other trees in there. I believe we tried to get the -- as deciduous as possible so there is not a big issue in the winter that -- you know, additional light coming through in the winter.

MICHAEL NYHAN: Okay. That's all of the questions I have for now.

GLENN HYDE: The only thing I have is around the fence, as well as in the back area, that 4 foot fence seems more symbolic than functional in terms of it being a deterrent to keep a lot of traffic back there. So do you have any plans for sewer grates?

MR. RYAN BRANDT: Not at this time. There was an additional option, I guess, was the possibility of putting the fence on -- on Mr. Destain's property. But we'd have to amend preliminary things. As we stand right now, there are no plans to seek a variance. The 4 feet is the proposal we're going with.

MICHAEL NYHAN: We can have Board discussion on that. We can require that they get a variance and have a 6 foot fence. We're even open talking about one piece they would have to go along the back with ZBA to -- that's one condition. Keep it in mind.

DAVID CROSS: I just echo the concern about the fence. I understand the desires and the transition with the 6 foot, the U shape, the horseshoe in the back and the same concern about the landscaping along Union Street. Probably should clear it and plant it up nice.

PAUL BLOSER: I've got an issue with the fence also. In your notes here, it says you're

putting in a 4 foot high wood fence. What type of wood is it? Is it a pine? Is it pressure-treated? Is it cedar? There is some pretty cheesy fencing up there. I'm just saying you're going to put up a 4 foot fence, without knowing what quality -- I -- you know. Just giving you a green light on it. I have a problem with it. I would really like to know what kind of wood it is.

I would also like to see something done with the owner, 6 inches on his property so you can get the 6 foot fence. I'm not in favor of the 4 foot at all, especially with that open area there. It will just be a -- an opportunity for kids to pole vault into his area. He has a pool in there. He has gardens in there. And it just -- I think to have him up in his bedroom light every night watching out -- 6 foot makes a lot more sense to me. 4 foot, for me, just does not work. Period.

And for going for a variance, I would make a recommendation that the Planning Board refers to Zoning for variance to get a 6 foot.

But I would like to see what that fence really is, what type of wood you're proposing and what construction it really is. Is it 3/4-inch boards? Just the quality of it. There is some pretty cheesy stuff out there. I can go to Home Depot and get an 8 foot section by 4 foot high fence and given normal conditions, it might live two or three years and then it will twist like a candy cane and your rails will fall right off it.

So, you know, I -- I just have a problem with the fence.

Anything on the wood?

MR. RYAN BRANDT: Our plan was pressure-treated, board-on-board, but we can get some additional specs on the exact -- I guess perhaps the width and more specifically the dimensions of the boards, I guess. And -- that was our plan so far, just 4 feet, pressure-treated, board-on-board without having, you know -- not having any staining. I think it's 5 to 600 probably linear feet of fence.

So the stain, as well, was going to be a -- potentially an upkeep and maintenance issue as well. Enclosures are one thing -- dumpster enclosure, but...

PAUL BLOSER: This is why originally the conversations were leaning towards a vinyl fence, so there is no maintenance to it. Pretty much lifetime unless someone is really beating the heck out of it. I just have overall concern with the 4 foot, number one. That's the big thing. And that the frame of this thing is substantial enough to handle and that's the end. I don't want it falling apart in two years and then it becomes unsightly.

PAUL WANZENRIED: Your letter -- in your letter today, Mr. Parrone --

MR. PARRONE: Yep.

PAUL WANZENRIED: -- you speak to a future owner and developer, proposed purchased. Who is the future owner?

MR. RYAN BRANDT: That would be a to-be-formed -- to be -- we would form an LLC that would be controlled by a Cornerstone entity. So the purchase contract itself right now is an option agreement with Rochester's Cornerstone Group, Union Street, LLC. Did I say that correct?

MR. ROMANO: Correct. That is the name.

MR. RYAN BRANDT: Cornerstone Development Properties has a purchase agreement -- purchase option agreement with that entity right now. So we would be -- we are the developer, the future developer. But in terms of the owner, that would be an LLC created that would own the property. An HFC would own the land but all would be controlled, as well, by Cornerstone.

MICHAEL HANSCOM: No additional comments.

ERIC STOWE: Just with respect to the easements that we talked about at the last meeting, if you're discharging onto the Town property, the Town would need to get you an easement -- or grant you an easement that would be conditioned on that for the pipes onto the Town.

MR. PARRONE: The way it looks right now, Eric (Stowe), it doesn't look like we'll be able to do pipes that we're proposing.

ERIC STOWE: Okay.

MR. PARRONE: We're going to have to do it where it will be casted, broadcasted like natural today. There -- the way it sounds and the way it was proposed now, there will be no pipes directly --

ERIC STOWE: Okay.

MICHAEL NYHAN: Does that -- are you satisfied, Eric (Stowe), from a condition standpoint?

ERIC STOWE: I guess that depends on the conditions. Can -- we left the Public Hearing open.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PATRICK DESTAIN, 3331 Union Street

MR. DESTAIN: So I'm the -- I'm Patrick Destain, owner of the 3331 Union Street.

MICHAEL NYHAN: Is that Patrick Destain?

MR. DESTAIN: Yes. In French, it is "Destain."

MICHAEL NYHAN: Just so -- so -- just so our secretary can write it out.

MR. DESTAIN: So I have a couple of questions because I want to keep it formal. And the three main concerns I have is drainage -- forget the historic property. It is gone. Forget the privacy.

When you look at this, if somebody can talk about privacy here, I mean -- yeah, that's good for them, but I don't trust them. There is no privacy left.

That's the second thing. But the three points I have is -- and I would like to ask them, do

you --

MICHAEL NYHAN: Sir, if you could direct the questions to us -- the Board.

MR. DESTAIN: I would like to know if they know how deep my basement is.

MICHAEL NYHAN: How deep your basement is? I doubt it. No, they don't.

MR. PARRONE: No.

MR. DESTAIN: Between 6 and 7 feet.

MICHAEL NYHAN: Okay.

MR. DESTAIN: Just --

MICHAEL NYHAN: Does this go to your drainage issue?

MR. DESTAIN: Yes. So I have a septic tank over there and, you know -- I don't know where it goes from -- I moved in in March. So if you look at the grade and the wetland, there is not much left in terms of elevation. A foot. 2 feet. So you -- I have about 10,000 square feet of roof, about that. If you count the house, the garage and the barn. And I need to drain that water wherever I can. And so far, that house, which is from 1830, found its way to get the water out the back -- because you didn't talk about that -- but it was a swamp at the back. During the winter. A swamp meaning water. Not -- water. Water coming from my end.

10,000 square feet of water which has to go somewhere. Now I'm going to be surrounded by this, with about 40 to 50 persons covered with concrete. And you're asking water from my roofs to find a new way to go I don't know where. I'm very skeptical.

Elevation, so the 6 to 7 inch -- like this (indicating). And the fact that this going to be 40 person covered with concrete. I have a part-time understanding. So my question is, where does it go?

MICHAEL NYHAN: Okay.

MR. DESTAIN: If you have land at the back, which I think is a playground, what it is going to be, that playground? That is going to be a swamp. So that is my first question, is -- is what -- what if five years from now -- because there was also a survey about cracks. An 1830 house, you're going to have some cracks. I'd admit that. Problems, five years from now if I'm still alive, there is a survey of cracks, yeah. Plus here and there. In five years later, I have cracks appearing from my house, basement, or I have a leak.

In the barn, the first one I'm telling -- the first one that will be killed is the garage. Because the garage has the biggest level difference with the swamp. So the first one that will be damaged by the cracks is the garage. Five years from now, who am I going to call to say, "Guys, I have a problem with my foundations"?

And then they will say, "You know what? That is not us. It's an old house."

And so maybe, yeah, that's the way it should be. Who is going to be responsible for that? That house has been there for 200 years and now 5 years from now, nobody will commit if something happened because they say well, that -- sorry. It's an old home.

MICHAEL NYHAN: Is this in relation to the drainage -- your drainage concerns, correct?

MR. DESTAIN: Well, I mean everything. I mean the pressure you will have here and there. I mean, I don't know what is going to be an elevation. That is for sure, if you're telling me that these six units would have no impact on this (indicating), you have to explain it to me now how.

MICHAEL NYHAN: Okay. We will get to that.

Your next concern?

MR. DESTAIN: So the next concern is light.

MICHAEL NYHAN: I'm sorry.

MR. DESTAIN: Light. The pollution of light. So the board-to-board fence is even worse than no fence at all.

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

MR. DESTAIN: It's worse than no fence at all. The board-to-board. If I understand correctly, the fence will be board-to-board.

MICHAEL NYHAN: Board-to-board. Yeah, right.

MR. DESTAIN: So what happens after two or three years, you get gaps.

MICHAEL NYHAN: Okay.

MR. DESTAIN: And now you have an array of slits literally, and now you get the rainbow effect. I mean you get the Studio 69 in my -- in my yard. And the problem is when you have the parking lot, and we have now boards with slits, gaps, what happens is that you have rays -- I mean, you have a bundle of rays. And the bundles will move, depending on the car, when you exit the parking lot. That is going to be Disneyland. So -- so for me the only option is a brick wall. The reason for that is because I come from Texas and it was perfect in Texas. So I know we're not in Texas. And I understand that. And -- but we have one brick and it's -- it's maintenance free. It's -- I mean, it helps with the sound, too. And there is no problem with light, headlights. I can show you even -- I can set up something at the back, with some, you know, boards and I will put the light at the back of it. And I will show you what you can see from my studio.

MICHAEL NYHAN: Okay.

MR. DESTAIN: So I understand that the -- my privacy is gone, but -- so that is one point. It's -- it's annoying.

MICHAEL NYHAN: Okay. So the light pollution with the fence.

Your third one?

MR. DESTAIN: My third point is what is left with that property? Would I have bought it six months ago -- I wish I knew if I would be surrounded by six units like this. So what is the



property value? Some people told me, well, you know, it could be for a business. It could be even better value for a business. I don't try to run a business there. I try to have a house.

MICHAEL NYHAN: Right.

MR. DESTAIN: So what is going to happen?

MICHAEL NYHAN: Okay.

MR. DESTAIN: These are the three points.

MICHAEL NYHAN: Okay. Anything else?

MR. DESTAIN: Not that I -- no.

MICHAEL NYHAN: Thank you for your comments. We'll have Board discussion after this.

MR. DESTAIN: Oh, there was just one thing. I understand the survey for the land and the -- my -- the back of my property is -- I mean, the barn here is literally touching. I couldn't even mow it. I -- I won't get my tractor. And when I bought the house --

MICHAEL NYHAN: So what you're saying is your barn is on the property line?

MR. DESTAIN: Oh, yeah.

MICHAEL NYHAN: Okay.

MR. DESTAIN: This was an aerial view. I know there is no value, but when you look at what is at the back, there is at least --

MICHAEL NYHAN: Some room.

MR. DESTAIN: Some room.

MICHAEL NYHAN: Okay. Thank you.

MR. DESTAIN: Uh-huh.

MICHAEL NYHAN: Seeing nobody else in the audience but the applicant, I will make a motion to close the Public Hearing.

JOHN HELLABY: Second.

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: From a drainage perspective, one part of the Storm Water Plan, you have elevations, correct and -- go ahead, Paul (Wanzenried). Do you have a comment?

PAUL WANZENRIED: No.

MICHAEL NYHAN: Sorry. I saw the "hang on a second."

PAUL WANZENRIED: Talking to my lawyer.

MICHAEL NYHAN: Okay. While he is doing that, the elevations on the plan, Mike (Hanscom), I believe when I looked at them, none of the land that is being developed is higher or would run off into the 3331 Union; is that correct?

MICHAEL HANSCOM: Um, yes.

MICHAEL NYHAN: That would be a requirement, by the way? The Town wouldn't permit any runoff from this development into that land, correct?

MICHAEL HANSCOM: That's correct. And the applicant, when you look at the grading plan, um, they show that there -- they -- they intend on developing drainage swales around -- around this property. So any drainage off this property onto the new development is shown to be carried by these drainage away from his property into the drainage ditch or into the storm sewer system.

MICHAEL NYHAN: Okay. All right. The -- when you say "board-on-board," I think of that as boards are on both sides of the support and they overlap each other, so as shrink --

MATT EMENS: That's a board-on-board privacy fence.

MICHAEL NYHAN: Is that --

MATT EMENS: But that is not a board next to board. That he -- that is different.

MR. PARRONE: It's different. Board-on-board is the privacy fence.

MATT EMENS: So that would address the issue -- the concern of the -- the comment that -- from the Public Hearing.

However --

MICHAEL NYHAN: So it will be a board-on-board privacy fence, so that as it shrinks, there won't be gaps?

MATT EMENS: However, to Paul (Bloser)'s point, Paul Bloser's point, this is where the devil is in the details. You can put those board-on-board with more aggressive or less aggressive overlap and have them not be as successful for the light issues that the -- that was brought up in the Public Hearing.

DAVID CROSS: Or you could go a vinyl fence and call it a day.

MICHAEL NYHAN: Well, we could, but I think -- but I think a natural wood fence would be more characteristic for that area than a white vinyl fence is. I don't know what everybody else's thought are, but that's mine.

PAUL BLOSER: What he just said is the comment I was trying to make. How is it constructed? Is there an overlap on those boards, or if you were to look at the -- the ends are right in a line with each other. The cheaper ones are right in a line. You know, I -- I would like to see overlaps.

MATT EMENS: Yes. I think the concern I would have with vinyl in that application is, as mentioned with, the upkeep of the -- of the 3331, you know, I think over time a mower is going

to damage a vinyl fence -- a residential mower is going to damage a vinyl fence a lot more than a wooden fence would. That is just my opinion.

MICHAEL NYHAN: I'm thinking of the -- with the board-on-board fence, there is a gap so air can actually pass through it, right?

MATT EMENS: Yes.

MICHAEL NYHAN: I think it's a much better application, as well, from a maintenance standpoint.

The lighting on the property is all dark-sky compliant, correct?

MR. PARRONE: That's correct.

MR. RYAN BRANDT: Down cast.

MICHAEL NYHAN: All down cast?

MR. PARRONE: All down cast.

MICHAEL NYHAN: And I believe a photometric study was asked at the last meeting by the engineer in his letter.

Has that been provided, Mike (Hanscom), to show it doesn't bleed off into the -- into the property at 3331? It is quite a distance.

MR. PARRONE: We have done it.

MICHAEL NYHAN: Sorry.

MR. PARRONE: We have done it. We just have to make sure Mike (Hanscom) has got --

MICHAEL HANSCOM: I don't believe so.

MR. PARRONE: But we have done it.

MICHAEL HANSCOM: If you could provide that.

MR. PARRONE: Absolutely.

MICHAEL NYHAN: Just see in your letter, Mike (Hanscom), you were looking for a photometric.

MR. PARRONE: It has been done. We just have to give it to him.

MICHAEL NYHAN: Okay. So show that light doesn't bleed off onto --

MR. PARRONE: That's correct.

MICHAEL NYHAN: All right. No other discussion on fencing, privacy, drainage or the Board concerns? I think each of them will get addressed with the materials of the fence.

I think we're going to need to see a detail of the fence construction to the Building Department for approval so that we can confirm it will be a -- it will be a privacy fence from light and noise.

JOHN HELLABY: What about the height issue?

MICHAEL NYHAN: Yeah, the height issue, um -- you -- I'm okay -- I actually prefer the 4 feet that goes out to Union Street, but I would like to see 6 foot. I think everybody on this Board has made the comment, around the entire property. As I mentioned, we can make it a requirement with a -- for the approval of the Zoning Board, if it is necessary, for that one piece along the back. Um, we could move forward with that condition on site plan approval tonight I think --

PAUL BLOSER: Well, the portion of both sides.

MICHAEL NYHAN: Right. The -- the area from 75 foot back around the whole entire property, to the other 75 foot setback would be 6 foot. So it would be a U-shaped 6 foot fence. Right, Ryan (Brandt)? Like we talked -- like we thought it would be, but because of the one stretch that is considered the front of your property, even though it is behind 3331 --

MR. RYAN BRANDT: Right.

So the north, the west and the south side of your property, from the corner of the building, two buildings -- I don't know if you have numbered them yet --

MR. RYAN BRANDT: Yes, yes.

MICHAEL NYHAN: So building number --

MR. PARRONE: This is 1, 2, 3, 4, 5, 6. So --

MICHAEL NYHAN: So the corner of Building 1 and 6, to the road, would be 4 foot and the corner --

MR. PARRONE: To here (indicating)?

MICHAEL NYHAN: Then from that corner all of the way around to the front corner of Building 6 would be 6 foot.

MR. PARRONE: But the variance requested, if this is the Board's wish would be --

MICHAEL NYHAN: Just that.

MR. PARRONE: -- just that, because this is --

MICHAEL NYHAN: The way I'm understanding it from a code perspective, yes.

All right. I think we have covered the fence. The landscaping material, um, we would want you to add this draft proposal -- the reason I'm confused by it, it does show the large trees that I think you would have along Union Street. Even across the street, I agree with the comments. I have also heard from the members of the Board that we would want to remove all that -- it really isn't very appealing vegetation -- and put in landscaping. The -- the wild vegetation is already in there. And replace that with a landscape plan that includes -- much like you did along Union Boulevard and along the property line to continue with, you know, some -- you know -- if you have it listed as Arborvitaes and the other is listed as sugar maples, as you go along Union Boulevard.

MR. RYAN BRANDT: It was probably -- wasn't drawn as -- with the existing trees. It is a small foot footprint in there.

MICHAEL NYHAN: Well, the existing trees we already know they're -- most of them

aren't trees. They're a lot of junk that's just grown over the time, a mismatch of different vegetation, so to speak. That is what we would want, to have it cleared out and have landscaping and see landscaping in there.

MR. RYAN BRANDT: Yep.

MICHAEL NYHAN: So a condition that I would include in this would also be, that you would resubmit your landscape plan to the Building Department to include that -- to carry the vegetation around from Union Square Boulevard to the property line and then what you have done between, you know, that fence -- 6 foot fence and your parking lot, vegetation there, that you would continue that forward, as well.

Does the Board see that on the draft that I'm talking about? Are you in agreement on this?

MATT EMENS: Yes.

MICHAEL NYHAN: Okay. Let me just reread all my conditions that I have tried to pick up here along the way.

Eric (Stowe), the conditions that I put in here for the easements was map of easement boundaries and copy of easement language and easement description must be provided to the Planning Board Attorney for review.

Will that cover any easement that they may need to get whether it is for drainage or anything else?

ERIC STOWE: Yes. I think our standard verbiage is "any and all easements associated with the project."

MICHAEL NYHAN: I have that also. I specifically put that in.

ERIC STOWE: That's fine. If they don't use it, they don't use it.

MICHAEL NYHAN: And then I also have required permits from United States and New York State DEC required will be obtained and approved wetland mitigation completed prior to the signing of the mylars.

Is that -- does that, Paul (Wanzenried), or, Michael (Hanscom), cover the wetland mitigation?

PAUL WANZENRIED: Did you say the Army Corps of Engineers?

MICHAEL NYHAN: Yes. US Army Corps of Engineers and any New York State DEC permits required will be obtained and the approved wetlands mitigation plan will be completed prior to signing the mylars.

MR. PARRONÉ: Mr. Chairman, can I ask a question?

MICHAEL NYHAN: Sure.

MR. PARRONE: If, in fact, the Board wants that 6 foot fence on the western boundary line, my request would be that in your resolution that you would recommend to the ZBA that variance be granted, if you can. I don't know if --

MICHAEL NYHAN: We can't. They need to remain independent.

MR. PARRONE: That's fine. Could you say "We look with favor"?

MICHAEL NYHAN: (Laughter.)

ERIC STOWE: I think you could certainly tell them it was a condition of a site plan approval.

MICHAEL NYHAN: You could say at that meeting what happened at this meeting, but I -- I am not going to these Board members to influence their decision.

MR. PARRONE: I understand.

MICHAEL NYHAN: These may not be in the particular order that they make sense, but I will have all of the conditions in here.

And I will read those in a minute. Just let me know if we need to add any or they are all adequate.

All right. So no further Board discussion in any questions, comments. All good to move forward with the decision?

DAVID CROSS: Mr. Destain had one more comment with the foundation, cracks in the foundation. I think the previous May 12th meeting, Ryan (Brandt), they had offered to do a pre-foundation survey and post-construction foundation survey; is that right?

MR. RYAN BRANDT: Yes.

DAVID CROSS: So I just wanted to bring that up.

MICHAEL NYHAN: Okay. And I think that is part of your -- part of the horticultural letter.

MR. RYAN BRANDT: The SHPO letter.

MICHAEL NYHAN: So that's required and you will be doing that?

MR. RYAN BRANDT: Yes. We have engaged Foundation Design. They did the test pits for pre-construction, construction monitoring and they would also do the pre and post surveys. Actually, our structural engineer will address that with the architect, so -- so we talked with both of them today, SWBR and Foundation Design and they will be doing that survey.

MICHAEL NYHAN: Thanks for bringing that up. So the cracks in the building will be -- documentation that the homeowner --

MR. PARRONE: Pre-construction.

MICHAEL NYHAN: And post construction.

MR. PARRONE: Right.

MICHAEL NYHAN: The homeowner will have that and be able to use it. Because you can't certainly guarantee what will happen if there are additional cracks in the building down the road, but that will be a basis for the homeowner's arguments in the future, if that is so needed.

Also, as far as property value, we can't comment on property value or even what that may

be, but I will say this, that since 1995, I believe, it is, this land was zoned PRD for this development. 1995, is that --

MR. PARRONE: 1995 or '6. One of those two dates, yes.

MICHAEL NYHAN: So in that time period, whenever the Town did zone that land or rezone that land for PRD, you know, that has been a zoning since that period of time in the '90s, and this proposal does meet that -- that district.

MR. PARRONE: Yes.

MICHAEL NYHAN: So I just wanted to make sure that that is part of the record, that that land has not changed and zoning and this type of development is what that was zoned for back in the 1990s.

MR. PARRONE: And to reinforce that, originally there would have been offices here which have a lot more traffic, a heck of a lot more lights and more disturbance, which is not the case here.

MICHAEL NYHAN: Which would have been a permitted use also.

MR. PARRONE: That's correct.

MICHAEL NYHAN: I think we have just answered the concerns that came up. We talked about the fence. We talked about the landscaping. I think everything else was answered. You will be able to meet all of the engineer's requirements, based on what you read. Okay. At this point, we'll do SEQR.

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.

ERIC STOWE: Mr. Chairman, just with respect to that, we did an uncoordinated review with the ZBA, because they did a SEQR determination on their application for the few variances. Could you just revise your motion so it's not a lead agency designation?

MICHAEL NYHAN: So they made themselves lead agency?

ERIC STOWE: No. There was no lead agency. It was uncoordinated.

MICHAEL NYHAN: Okay. So we won't declare ourselves lead agency.

Michael Nyhan made a motion based on evidence and information presented at this meeting, the Board determined the application to be an Unlisted Action with no significant environmental impact, and John Hellaby seconded the motion.

The Board was unanimously in favor of the motion.

MICHAEL NYHAN: Any other conditions or comments on this application?

I will read what I have and make the changes before I make a vote -- or request for a vote.

These are the conditions of approval. The applicant -- hang on. Let me just comment, we talked about Conservation Committee, the Conservation Board at the last meeting.

Paul (Wanzenried), it is my understanding they have not met, so they have -- they have not -- they have not had regular meetings; is that accurate?

PAUL WANZENRIED: You are the Conservation Board.

MICHAEL NYHAN: I'm sorry?

PAUL WANZENRIED: You are the Conservation Board.

MICHAEL NYHAN: So they have not had any meetings to review this, right?

PAUL WANZENRIED: No.

MICHAEL NYHAN: All right. As I said, I will put these in different order so that they make a lot of sense, but if you follow along, they will be connected.

The applicant shall submit landscape plan drawn by a licensed landscape architect along with the required checklist to the Building Department with the additional tree plantings in front of the two buildings along Union Street, which is Building 1 and Building 6 based on our conversation.

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 of the approval plantings have been furnished and installed in substantial conformance with the approved landscape plan.

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

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

The applicant shall comply with all pertinent Monroe County Development Review Committee Comments.

Plans must be reviewed by the Monroe County Water Authority and Monroe County Pure Waters. Copies of the submission to the Town of Chili Building Department.

Planning Board affirms the recommendation of the Architectural Advisory Committee and requires that the applicant comply with these recommendations.

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

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

Pending approval of the Zoning Board of Appeals for all required variances.

Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.

Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.

The proposed floor plans to be removed and approved by the Town of Chili Building Department and -- and the Fire Marshal, um, for the issuance of the building permit.

Applicant provide a written reply to the comments to the Town Engineer letters.

You have already -- you have already provided the wetlands delineation plan, right? Mike (Hanscom) you have that?

MR. PARRONE: Yes.

MICHAEL HANSCOM: Yes.

MICHAEL NYHAN: I will remove that.

The photometrics, I will provide -- provide the photometrics and the lighting plan.

And then I will move this up to the landscaping piece, but additional tree plantings along Union Street in front of the buildings similar to the planting along Union Square Boulevard to continue the -- hang on a minute here.

I'm getting confused with these.

So just for additional direction on landscaping, additional tree plantings along Union Street similar to the plantings along Union Square Boulevard in front of Buildings 1 and 6 on Union Street and continue the plantings along the 4 foot fence as between Buildings 1 and 6.

Federal wetlands permit and wetlands mitigation plan. It's not a required variance, correct? It's part of the engineering piece? Okay.

Copies of the permit application shall be provided to the Town of Chili Building Department. A map of easement boundaries and copies of easement language and easement description must be provided to the Planning Board Attorney for review.

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

Required permits from the United States Army Corps of Engineers and any New York State DEC permits required will be obtained. And proof of wetland mitigation plan will be completed prior to signing of the mylars.

Details of the fence construction materials providing privacy between property at 3311 [sic] Union Street and this development onto the Building Department. Town of Chili Building Department.

And then obtain a variance as required for the 6 foot fence around the perimeter in the front corner of Building 1 facing Union Street to the front corner of Building 6 facing Union Street.

ERIC STOWE: Should we just have for that particular one, update the map to show the 6 foot elevation on the fence and obtain a variance for it?

MICHAEL NYHAN: Okay.

ERIC STOWE: Just that it is a condition that the fence be --

MICHAEL NYHAN: Right.

ERIC STOWE: Enlarged and...

MICHAEL NYHAN: So you want it to show the detail of the 6 foot fence on the site plan and obtain a variance?

ERIC STOWE: I think you need to make a condition of where the fence needs to be 6 feet.

MICHAEL NYHAN: Oh.

DAVID CROSS: And the 75 foot setback.

MICHAEL NYHAN: So from the front corner of Building 1 facing Union Street to the front corner of Building 6, does that cover it? It goes around the --

ERIC STOWE: But I think Mr. Cross is right. If it is going be at the 75 foot -- the beginning of the 75 foot front setback on the north and south --

MICHAEL NYHAN: Okay.

ERIC STOWE: -- right of -- of the neighboring parcel, you're going to increase it to 75 feet. It's going to run the entire northern span, then southern span and then back -- or not northern. Excuse me. Western span. Southern span and then eastern span, right?

MICHAEL NYHAN: Okay. That's why we need to be more specific than in front of the buildings.

Show detail of 6 foot fence on site plan from 75 feet setback on the north side of the property along the property line, 75 foot setback on the south side of the property and obtain variance as required. Does that cover it? Gives you that U shape. 75 foot from the north, around to the 75 foot to the south. Does that cover it?

ERIC STOWE: Yep.

MICHAEL NYHAN: Okay. Any other conditions?

Okay. With those conditions, application of Rochester's Cornerstone Group Union St. LLC. 30 Grove St. Pittsford, NY 14534; for preliminary site plan approval to erect 1 apartment building totaling 24 units at the property located at 154 Union Square Blvd. in the PRD District. And also the same applicant for preliminary site plan approval to erect 6 apartment buildings totaling 48 units at the property located at 3327 Union St. in the PRD with those conditions.

JOHN HELLABY: Second.

MATT EMENS: Are we waiving final or no?

MICHAEL NYHAN: Thank you. Good question.

JOHN HELLABY: I'm not comfortable with the -- with the amount of stuff left hanging out there.

MICHAEL NYHAN: Matt (Emens), comfortable with it? Anybody else?

MATT EMENS: It's pretty close.

MICHAEL NYHAN: At this point, it looks like everything that needs to be approved needs to -- or everything that needs to be worked out needs to be worked out with the engineer; is that accurate?

Paul (Wanzenried), Eric (Stowe), Mike (Hanscom), are you comfortable with that? What we have left needs to be worked out -- technical aspects with the engineer?

MICHAEL HANSCOM: Um, unless the -- if they can meet the water -- storm water requirements without shifting any of the buildings, sidewalks, roads, et cetera, then -- then yes. If -- if in order to meet those storm water requirements they have to shift them, then no.

MICHAEL NYHAN: Okay.

ERIC STOWE: Did you want to look at a detail of that fence? That was a condition and --

MICHAEL NYHAN: Right. Yeah. Good point.

JOHN HELLABY: I want to see this thing through.

MICHAEL NYHAN: Okay. So preliminary with final for next month.

JOHN HELLABY: Yep.

MICHAEL NYHAN: Okay.

So motion is for -- is for preliminary site plan for this property with those listed conditions.

JOHN HELLABY: Second.

DECISION: Approved by a vote of 6 yes with 1 abstention (Joe Defendis) 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. Plans must be reviewed by the MCWA and MCPW with copies of the submission to the Town of Chili Building Department.
5. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requires that the applicant comply with these recommendations.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections and code compliance regulations.
8. Pending approval of the Zoning Board of Appeals of all required variances.
9. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
10. Applicant to comply with all required life safety and permits from the Town Fire Marshal.
11. The proposed floor plans be reviewed and approved by the Town of Chili Building Department and Fire Marshal before the issuance of building permit.
12. Applicant provides written reply to comments from the Town Engineer letters.
13. Provide photometrics on the lighting plan.
14. Copies of permit application shall be provided to the Town of Chili Building Department.
15. A map of easement boundaries and copy of easement language and easement description must be provided to the Planning Board Attorney for review.
16. 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.

MICHAEL NYHAN: Preliminary site plan is approved.

MR. PARRONE: Thank you.

MR. RYAN BRANDT: Just a clarification, we can come back next month for Planning Board even if -- Paul (Wanzenried), are we too late for the June ZBA?

PAUL WANZENRIED: Yes.

MR. RYAN BRANDT: This -- July's Planning Board would be before July ZBA?

PAUL WANZENRIED: Yes.

MR. RYAN BRANDT: So we'll be back for the July Planning Board --

MICHAEL NYHAN: Yes. We'll -- we'll just keep the condition on it that you go to the ZBA in July.

In the meantime, you could provide the detail of the fence to the Planning Board members as well as the Building Department and -- what else was on there --

DAVID LINDSAY: Photometrics.

MICHAEL NYHAN: And the other items you need to provide to the Town, you will want to get those into the Town so we can review them. Thank you.

Last business is the meeting minutes from the Planning Board May 12th, 2020.

Michael Nyhan made a motion to accept the 5/12/20 Planning Board meeting minutes, and John Hellaby seconded the motion. The Board was unanimously in favor of the motion.

The meeting ended at 8:22 p.m.