

CHILI PLANNING BOARD  
July 14, 2020

A meeting of the Chili Planning Board was held on July 14, 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, Joseph 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.

1. Application of James Group, Inc., 26 Florentine Way, Rochester, New York 14624 for preliminary subdivision and site plan approval for eight (8) lots to be know as Gilead Pond Subdivision at the property located at 160 B King Road, North Chili, New York 14514 in the R-1-15 zone.

Rob Fitzgerald, James Perna and Jamie Valerio were present to represent the application.

MR. FITZGERALD: Good evening. My name is Rob Fitzgerald, Project -- owner and Project Engineer for Fitzgerald Engineering representing the James Group tonight.

Again, the project is an eight-lot proposed single-use subdivision off King Road. The minimum zone is R-1-15, so 1500 square feet with lot width of 90. We're well over that. We have about an acre per lot. We have most lot widths being 100 feet, so 10 feet above the minimum. We're looking for a publicly dedicated road to the Town. I'm trying to show here -- it is hard without the side board -- there's an existing pond here (indicating) that takes care of about 200 residential lots upstream of it. And way back when this was actually designed to handle this subdivision, as well. But we'll be taking care of some of these structures from a storm water standpoint. We'll work those details out with the Town Engineer as well as Dave Lindsay.

I just want to point out on the subdivision sheet, if I can, there is a couple easements that bisect the parcel as well as a house that is presently on King Road.

Those were just really old easements and no drainage courses that follow them, so we're looking to eliminate those. And then to give better access to the pond as well as to -- for some storm water discharge into the pond, we're proposing to have easements off the dedicated road. One here and one up here (indicating). That will help DPW with maintaining the pond if they need access to it. But I just want to state that we would like to eliminate these existing drainage easements that are not being used.

I could move onto the utilities. There is a sewer trunk line to the north of the property; whereas, we're looking to extend a couple branches towards the south, these two legs right here (indicating). That would take care of all of our lots. Jimmy (Perna) did ask me to look into seeing if we could extend all of the way to King Road so some of the folks could tie in in the future, as well, which is a great and nice idea but elevation-wise it just doesn't work. We put this in about as flat as we could get it so in -- some day in the future they could use the public right of way to tie into that.

As far as the water goes, dedicated on Orange -- 8-inch line, I'm sorry, on their side of King Road, so we'll bore probably across the road. And then we'll have a hydrant at the end for the cul-de-sac. So utilities are relatively simple in this case. On either side.

I just want to go to the grading plan to show how large this pond is. I think it is three acres or so. And this is the grading sheet. With this, we'll do at least two street trees per lot, per code. We haven't worked on final details, but probably entry sign, maybe some type of plantings, as well.

But again, you know, this doesn't require any variances. What we're proposing tonight, um, and -- we did receive Town Engineer comments yesterday. I did get a chance to go through them. I did a response letter. I don't want to put it in front of anybody, but I'm okay with the comments and feel like we can completely address them working with the Town Engineer as well as DPW. Nothing stood out to me as a concern. It is kind of getting toward final, nitty-gritty details, if you will. But again, I would like to reiterate we would like the drainage easement that is there presently, because again, it doesn't follow a drainage course. But I will leave it at that for now.

Jim (Perna), do you want to add anything as far as the house style?

MICHAEL NYHAN: Excuse me, sir.

MR. PERNA: I'm James Perna with Perna Homes/James Group. We're going to put 30 houses in here, and I -- I decided I just want to build big houses. That is why we only came in

with eight lots. The other two-lot subdivision we did down below, I got two estate lots there also. I'm building a \$750,000 house right next to the left there. So this is going to be like that area. It's going to be the nicest little subdivision in Town.

MR. FITZGERALD: Just to clarify, there is another parcel that Perna owns right here (indicating) that we're -- they tore down one house and they're constructing two homes. We did look into the possibility of moving that road and doing a really heavily dense --

MR. PERNA: To code.

MR. FITZGERALD: -- subdivision, but that is not what Jim (Perna) was looking for. He was looking for something a little different.

MICHAEL NYHAN: Joe (Defendis)?

JOSEPH DEFENDIS: No.

MATT EMENS: No questions at this time.

JOHN HELLABY: Have you had a chance to look -- I know this letter just came out, but have you had a chance to go through it yet?

MR. FITZGERALD: The Town Engineer comments, yes, I did. I received that -- I think it was early yesterday at some point. So I did go through and actually did my responses to it. Like I said, I can touch on any specific one you like.

MICHAEL NYHAN: If -- can you go outside if you're going to look at that? Thank you. (Directed to audience members talking).

JOHN HELLABY: I don't necessarily have to go through each one, but there's a couple on here like number 9, in regards to Lot 7 and 8, the easement that is running through there.

MR. FITZGERALD: Exactly. That is why I was trying to nip that one in the bud. If I can, here is this -- the existing easement that we're referring to, that goes from the large drainage facility.

JOHN HELLABY: That is part of the drainage facility you want to eliminate.

MR. FITZGERALD: We'll eliminate it. If you look, it goes through the gentleman's house right now. It's not being utilized. There is no drainage course there right now. It has to be -- 20 years -- I have been working on this project for 20 years, different parts of it. It is probably a 40-year-old easement that doesn't cover anything. So let's get rid of it.

There is a drainage course here (indicating), so let's put the drainage easement on there. It makes sense. We have a storm water discharge into the pond here (indicating), so we'll have an easement on here (indicating).

MR. PERNA: Easements here (indicating).

MR. FITZGERALD: The Town has easements around for the different subdivisions, but that's a good point. We don't want to put a house on that easement. One could finagle around it, but it's a useless easement so let's extinguish it.

MICHAEL NYHAN: So for clarification on the easement, I don't believe the Board can eliminate easements. That would have to go in front of the Town Board.

MR. PERNA: If they want to get rid of it.

MICHAEL NYHAN: This -- that would have to go in front of the Town Board.

MR. PERNA: I mean it has been there before we owned it.

MICHAEL NYHAN: Got it.

JOHN HELLABY: But you have to pursue it to get it cleaned up to move forward with this.

MR. FITZGERALD: I'm not sure how this house got built because literally the driveway and the house are right smack in the middle of the easement.

MICHAEL NYHAN: I just want you to be aware this Board won't be able to change any easements. That will have to go in front of the Town Board.

MR. FITZGERALD: Sure. Just like our dedicated easements will have to go in front of the Board.

MR. PERNA: We have to go to the drainage --

MR. FITZGERALD: Proposed easements, as well.

MR. PERNA: We have to go there anyway so we'll just get rid of it then.

JOHN HELLABY: Any other show stoppers on there?

MR. FITZGERALD: Nothing that is -- obviously as most residential subdivisions touching this that is surrounded by their lots, and we're on the down side area of the watershed, so we will be sensitive to the neighbors. I will be working tightly with DPW and Town Engineer to satisfy their concerns. But nothing concerns -- sticks out that I don't think we can get through.

MR. PERNA: When we did -- when we did the rest of that subdivision, we addressed all those houses along King Road. We fixed all that drainage back then. That pond is large -- we figure for another 30 houses. But we never did that, because we didn't own the house we tore down.

JOHN HELLABY: I vaguely remember. You're going back.

MR. PERNA: You were here.

JOHN HELLABY: You're going back a few years.

MR. PERNA: That was already designed. And I have even got four laterals in for houses already that the GCO put in for me back in the day when I ran the trunk line through there.

JOHN HELLABY: Okay. That's all I got.

MR. PERNA: We shouldn't have any problems. Those houses there are 1,000 percent better now than before we were there.

MICHAEL NYHAN: Any lighting proposed on the street? Streetlighting?

MR. FITZGERALD: That's a great question. We have not talked about it.

MR. PERNA: Probably put four lights in there.

MR. FITZGERALD: That is not something that is shown on the plans, but apparently that's a great question. That's something we're interested in doing.

MR. PERNA: I would like to put like four lights in there.

MICHAEL NYHAN: At a minimum we would want one on the intersection.

MR. FITZGERALD: At the entrance, okay.

MICHAEL NYHAN: We have not received a SWPPP. The storm water.

MR. FITZGERALD: I do need to provide that. I have a draft copy. Once we incorporate his comments, we can get that. Typically we get the comments, get it in there and get the package back, but we just didn't have time this go-around.

MICHAEL NYHAN: We'll need that in order to do SEQR. So tonight we'll go through the meeting, open the Public Hearing. I would be asking you to submit that plan and review it to the Town and this Board so we would be able to make a determination on SEQR based on what that SWPPP shows. So tonight I wouldn't be able to give you an approval. You would have to come back for that. But we can certainly move through the meeting, get everybody's feedback. I can see there are some people that want to make comments. We'll listen to those, address those and, of course, any comments and issues from the Board, you will be able to address those also.

MR. FITZGERALD: That's great. I will give you a chance to go through the engineering comments and if he has any concerns or the neighbors have, we can discuss those, as well.

MR. PERNA: After all of the comments are addressed, between the Town Engineer and the Board and everything, I would like to waive final, if possible, on this so we can proceed onward. I would like to try to get in the ground by fall.

MICHAEL NYHAN: I understand that, but without a SWPPP, we won't be able to move forward.

MR. PERNA: Once we get the SWPPP.

MICHAEL NYHAN: So you come back next month. You will be on the agenda next month.

ROBERT FITZGERALD: We'll get all the feedback and address.

MR. PERNA: We have to make another application for next month, right?

MICHAEL NYHAN: Correct.

GLENN HYDE: So what currently exists between 116 and 117? Is there a road?

MR. FITZGERALD: There is a drainage ditch we're looking at waiving at this point and then there is grass.

GLENN HYDE: Any tall trees or shrubs that are on those two lots near the corners of where that intersection is with King Road?

MR. FITZGERALD: I think the grading sheet shows it the best. Without getting too close.

MICHAEL NYHAN: Can you describe it? Because people can't --

MR. FITZGERALD: I will face the other way. So we are showing the grading trees, the existing trees that are both in proximity to our lot line. Of course, we're not touching those. And then any others that are close that we can keep without a root structure, we'll keep. Those are just small ones that are smack dab in the road. We can't work around those. So we'll put trees on the other side.

GLENN HYDE: My concern is about visibility as you come out on King Road. I live in a development that is kind of sunk in between two lots and -- Orange Tree Circle off Chili Avenue, and we have one close lot there that we have the asphalt drive right -- right near the entrance and the big tree and it is always a roll of the dice when you head out on Chili Avenue. Keep that in mind.

MR. FITZGERALD: We'll double check that. Based on what the survey picked up with large caliber trees, there's a 14-inch that we're going to have to -- what you're talking about -- and also in our roadway, so we need to move that. Then there is a smaller one we have to look at. But all in all, it is mostly shrubs and needs to be cleaned up. And we may add some, too.

GLENN HYDE: Thank you.

DAVID CROSS: It appears you don't need any area variances for these houses; is that right?

MR. FITZGERALD: That's correct. They're quite larger than all of the surrounding lots.

DAVID CROSS: That's all I have. I'm good.

MR. PERNA: We'll leave the lots on the left side as natural as possible. We're not grading all that. So people -- they build a house. If they want to brush hog or whatever, they can do it. But I'm not going to seed it. It is going to be nice. Kind of like an estate more.

ERIC STOWE: With respect to the easement, release stuff, that will be a little more time consuming, so get with the Town Board on that process. And Dave Lindsay.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

EDWARD MCCAFFERY, 162 King Road

MR. MCCAFFERY: You talk about the easements and everything else and you're going to eliminate easements, okay? And nowhere in that discussion does it say where that easement was heading or coming from. For the people that are here, that live next to those easements, that's why we came here to find out. There has been no notification to anybody in my neighborhood as to what is going on behind my house, behind Paul (Worden)'s house and behind Kitty Keller's old house that she is trying to sell. But there has been no notification from the Planning Board, City Board, anywhere giving notification until that sign went up three weeks ago.

MICHAEL NYHAN: Okay.

MR. ED MCCAFFERY: After you cleared everything out.

MR. EDWARD MCCAFFERY: We came home one day and the backyard was just leveled. How does that happen without prior people in the area being known as to what is going to happen?

MICHAEL NYHAN: Is this the lot directly behind the home where this subdivision -- not the other two lots next door.

MR. EDWARD MCCAFFERY: 162 King Road.

MICHAEL NYHAN: I'm not sure where that is.

MR. EDWARD MCCAFFERY: King Road, you know where the drainage ditch --

MICHAEL NYHAN: So you're next door.

I understand you're upset you didn't get a notification. I don't know. I will have to check to see why you didn't get a notification. But a sign went up three weeks ago and this is the forum for you to come and see and understand what is going on. They don't send out the plans to all of the neighbors and explain what is going. That is why they put a notice up, so you can come here and find out what is going on.

MR. EDWARD MCCAFFERY: We're notified after things have already started.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFERY: Would you appreciate that?

MICHAEL NYHAN: I understand what you're saying. I can't speak to that because I don't see that.

MR. EDWARD MCCAFFERY: I'll give you some kudos to finally take care of the old house that was a fire hazard.

MICHAEL NYHAN: Do you have any other comments on the application itself?

MR. EDWARD MCCAFFERY: I would like to know where the road is being accessed from King Road.

MR. PERNA: It's not --

MICHAEL NYHAN: Hang on, Jimmy (Perna). I will answer that.

MR. EDWARD MCCAFFERY: Not according to the plans, it is not. According to the plans, it is going up where the old house was.

MICHAEL NYHAN: So Lot 117, which -- you're Mr. McCaffery; correct?

MR. EDWARD MCCAFFERY: Yes.

MICHAEL NYHAN: Between your house and Mr. Worden's house, between those two houses is where the roadway will go.

MR. PERNA: Where the ditch is.

MR. EDWARD MCCAFFERY: How will you take away a water foul habitat, an amphibious habitat and put a road in there?

MICHAEL NYHAN: So this is the process we'll go through in reviewing the SEQR, and as long as that is approved, that is where the road will go. That is the whole process between getting all these plans, between the storm water management and the SEQR form. Which we will review.

MR. EDWARD MCCAFFERY: You're going to destroy more habitat for other aquatic creatures because you want to build the houses.

MICHAEL NYHAN: If it is permitted, correct.

MR. EDWARD MCCAFFERY: Have you ran it by DEC?

MICHAEL NYHAN: If it is permitted, correct.

MR. EDWARD MCCAFFERY: If it is permitted. So it is not permitted yet?

MICHAEL NYHAN: No. We're just starting the process here, sir. That's what we're here for tonight.

Excuse me a minute. Again, guys, Jimmy, Paul (Worden) -- sir. If you're going to talk about the plans, go outside and talk about the plans and stop interrupting our meeting.

MR. EDWARD MCCAFFERY: Is there any opportunity to have the access to King Road moved further towards Union Street? Because when the guys came in and began to level the field, they created a pathway all of the way from King Road all of the way over to almost Southern Meadows and they brought their machinery down and leveled the rest of the field.

MICHAEL NYHAN: Okay. It just seems more logical for the roadway to be up in there rather than the middle of a thoroughfare.

Okay. Sir, we're looking at that and will take that into consideration.

MR. EDWARD MCCAFFERY: Is it still going to be just a cul-de-sac?

MICHAEL NYHAN: It's a cul-de-sac, correct.

MR. EDWARD MCCAFFERY: So if it does go up there, it will come in, take a hard right and be a loop to go back around and out?

MICHAEL NYHAN: You will go in north from King Road to the end. There is eight lots. There will be a cul-de-sac, so you will come out the same way you went in.

MR. EDWARD MCCAFFERY: But if we are able to move the entrance -- I don't know the number of it, but it is down near the Pastor's house where they cleared the lot from the old house. There is a house and a garage there. It seems like there are two lots there. To put the roadway through there, take a hard right, go in your cul-de-sac and come out the same direction.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFERY: But it is my concern that if you put the roadway where it is, I'm going to see a very steep increase in taxes. Is that correct?

MICHAEL NYHAN: I have no idea.

MR. EDWARD MCCAFFERY: Well, every home that you made decisions on, when they're on a corner of a street, what has happened to the taxes?

MICHAEL NYHAN: Is that a statement or a question? I don't -- if it's a question, I don't have an answer for it.

MR. EDWARD MCCAFFERY: Who would?

MICHAEL NYHAN: Nobody here. That would be the Assessor for the Town.

MR. EDWARD MCCAFFERY: And in every other development process that I have seen, that's the tax roll statement, that taxes do increase when you're on the corner of a street.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFERY: I don't think that is fair to anybody living in the neighborhood. Not to me, not to Paul (Worden), to the neighbors across the street, anywhere.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFERY: They just put in a new C&M Forwarding building on Union Street and now the truck traffic there is so bad, that between the hours of 3 and 5, you can't get down the road without having to stop and wait for trucks to enter. Especially if they're making a left, into there.

Now you want to put another street on -- on King Road after Gilead Hill is right next to it?

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFERY: I don't see where it is better positioned further up the road.

MICHAEL NYHAN: Okay. Any other comments?

MR. EDWARD MCCAFFERY: Nope.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFERY: I -- I raised my hand before because I wanted to understand the easement.

MICHAEL NYHAN: That's fine. That is why I told you to hang on and the Public Hearing would be --

MR. EDWARD MCCAFFERY: You said an easement, but you didn't say where it was going to. I thought it was the one I'm next to.

MICHAEL NYHAN: There is a number of easements the Town Board has to review. An easement goes actually right through your property, across the road and back to the pond. It's an easement that the Town is looking at already to determine if they still need it or not. If they don't need that easement, what they're requesting is that easement be removed.

MR. EDWARD MCCAFFERY: The one next to me?

MICHAEL NYHAN: I'm not sure if we're talking about the same one, but there is an easement on your property --

MR. EDWARD MCCAFFERY: I'm at 162.

Paul (Worden), you're 160?

MICHAEL NYHAN: The property, the easement goes from your piece of property -- not sure where relative to your house because your house is not on there -- across the street where the street would be, being proposed, back to the pond. That is the easement we'll be looking at to determine if it is still needed or not. The Town would be looking to determine if it is still needed or not.

MR. EDWARD MCCAFFERY: I'm just curious is it straight access or is it angled?

MICHAEL NYHAN: It's an angle that goes back and runs from the corner of your lot at King Road all of the way back to the pond.

MR. EDWARD MCCAFFERY: You're going to cover the entire creek that is there?

MICHAEL NYHAN: No. No. This is just the easement we're talking about.

MR. EDWARD MCCAFFERY: Which is the creek, correct?

DAVID CROSS: No. That easement --

MICHAEL NYHAN: Doesn't follow the creek. That is why they're questioning it and we're going to take a look at it to see if it is still needed.

MR. EDWARD MCCAFFERY: So my -- just so I'm clear, my understanding -- right now you're planning on putting the roadway between our houses?

MICHAEL NYHAN: That's the proposal, correct.

MR. EDWARD MCCAFFERY: 100 percent opposed to that and I think Paul (Worden) is, too.

MICHAEL NYHAN: Thank you.

MIKE GUILIANO, 23 Gilead Hill Road

MR. GUILIANO: Mike Guiliano, 23 Gilead Hill. This is on the north side of the property that is being built on.

According to the Chapter 500 of the zoning code, every resident within 100 feet of construction is required to ten days prior be mailed information of this notice and me, nor any of my neighbors, received any of this.

MICHAEL NYHAN: Okay.

MR. GUILIANO: This spring, I had large pooling, ponding in my yard which I think is a direct result of the vegetation removal of the property, because of the way it is graded. And if it is not going to be graded any differently, I will not be able to use my yard and/or cut my grass all spring long. So that is my complaint about this and that is all I have to say.

MICHAEL NYHAN: Where do you live?

MR. GUILIANO: 23 Gilead Hill Road.

PETE WORDEN, 160 King Road

MR. WORDEN: Pete Worden, 160 King Road. I'm concerned the road that is going back in, the cul-de-sac, can there be any more trees put up there as a blockage?

MICHAEL NYHAN: Yes. That's -- that's what we're reviewing as part of the plans, because the type of foliage, the trees, et cetera, that would go in, landscaping -- the type of landscaping to go in between the roadway and those two properties, as you enter the area, that will all be part of the process we review.

MR. WORDEN: As far as the lighting, there would be a light on the corner of King and the new road?

MICHAEL NYHAN: Yes. That's what we're requesting. A streetlight.

MR. WORDEN: Just one?

MICHAEL NYHAN: For the intersection, yes. But what is also being looked at is lighting throughout the entire cul-de-sac street. But that is currently in the plans. Quite honestly, we would like to -- one of the reasons that may not be on there is -- whether the neighbors would want lights on that street. So nobody has commented on whether they would want lights on that street or not but that would be good feedback to get, whether you want a lighted street all of the way back versus one at the intersection for traffic safety reasons.

MR. WORDEN: I would like to only see one. There is a strip of land beyond the drainage ditch or the creek that has been there since before I owned the house. It was the other person's land. I used that. Will that be affected?

MICHAEL NYHAN: I'm sorry?

MR. WORDEN: It's just north of the drainage ditch. My backyard.

MICHAEL NYHAN: Right.

MR. WORDEN: The ditch, the drainage goes from a pond, through -- through the easement, around my yard.

MICHAEL NYHAN: Okay. So -- so what will happen on this plan is one of the issues we talked a minute ago, a new Storm Water Management Plan will need to be provided and the Town Engineer will review that and have to show that none of your yards will be affected by this or any of the water will drain into them. That is part of the process and part of the reason we won't move forward tonight until they submit that.

MR. WORDEN: Will there be another meeting?

MICHAEL NYHAN: Yes. There will be another meeting.

Anything else, sir?

Jimmy (Perna), please.

MR. GUILIANO: If there is going to be another meeting, will they adhere to the zoning code 500?

MICHAEL NYHAN: I will certainly check into the office to see if they did send letters.

MR. GUILIANO: Neither me nor my neighbors got one within 100 feet because the property line butts up to my property line. Because if I don't travel down King Road, I would never have seen that sign. All I ask is that, you know, follow the --

MICHAEL NYHAN: I will follow up on that.

MR. GUILIANO: The zoning codes are there for a reason, I guess, right?

MICHAEL NYHAN: Exactly. I will follow up on that.

MR. EDWARD MCCAFFERY: You have our name, to give notification when the next meeting is other than putting a sign in someone's yard?

MICHAEL NYHAN: Again, I will check to see with the office -- provided the letters didn't go out, new letters will go out. But it will be next month.

MR. EDWARD MCCAFFERY: But the Town will let us know when the meeting is.

MICHAEL NYHAN: Hang on. Your name again, sir?

MR. WORDEN: Worden. Pete Worden.

When is the actual construction going to begin? Do you have any indication on that.

MICHAEL NYHAN: No. This is the very first meeting we had on this proposal, so there is a number of steps that have to be taken. This is just one of those steps, have a Public Hearing and get the neighbor's or anybody's input, for that matter, on the project. And then additional plans will need to be submitted to us and Town Engineer for review.

Next month they will be back with that Storm Water Management Plan having been completed, looking for additional approval on the property. It was indicated they wanted to start this year, but it will all depend on the process for removing easements if they will, in fact, be removed and new easements being created, so I can't give you a time on that, because all that does take time. So you won't be able to start construction until that is all done and approved.

MR. EDWARD MCCAFFERY: Is there a normal time frame for that or no? Will it happen the next meeting, the one after that, a year from now?

MICHAEL NYHAN: You mean approvals?

MR. EDWARD MCCAFFERY: Yes.

MICHAEL NYHAN: It is possible they could get approvals next meeting if everything is in order and all of the engineering items have been answered and questions have been fully reviewed and we get the answers we need. That is a possibility.

But again, we have to go through the whole process of these easements, so I really don't know if it -- if it will happen next meeting. It depends. Sometimes people come back once or twice and sometimes three or four times. We'll see at the next meeting, is the only thing I can answer certainly for that. Any other questions?

ED MCCAFFERY, 162 King Road

MR. ED MCCAFFERY: Ed McCaffery, his son, 162 King Road.

MICHAEL NYHAN: Okay.

MR. ED MCCAFFERY: What kind of approval was needed for them to go back there and clear out the entire brush and everything?

MICHAEL NYHAN: I don't know that any approval was needed.

MR. ED MCCAFFERY: How is that?

MICHAEL NYHAN: Is -- is there a comment relative to the application? What is done back there is done and whether you got letters or didn't get letters, we'll look into it, but what I'm looking for is comments relative to this proposal for this Planning Board to hear and for the developer to hear so they can take that into consideration as they move forward with the next step.

MR. ED MCCAFFERY: My comment would be don't step on people's toes. Talk to them before you do something.

MICHAEL NYHAN: Anything else?

MR. ED MCCAFFERY: No.

MICHAEL NYHAN: Okay. Thank you.

PAUL BLOSER: Quick question. This is a public road, then?

MICHAEL NYHAN: It will end up being a dedicated road. They will dedicate it.

PAUL BLOSER: Will sidewalks be required?

MICHAEL NYHAN: I don't think they have been required. Are sidewalks being considered?

MR. PERNA: (Mr. Perna non-verbally indicated they are not being considered.)

MR. FITZGERALD: If I can make a couple comments? Sidewalks with a cul-de-sac not going anywhere, there is no place to lead people somewhere, so no side walks.

As far as the drainage course goes, it stays where it is and we'll put an easement on top of it and not random places. We're not rerouting places. If anything, we're collecting water and moving it to the pond. And also, too, there is this existing flag that is highlighted in yellow. This is a parcel right now. It comes from the south right now. The only access we have, which is 60 feet wide -- which just so happens to be the required width for a dedicated road by plan, probably some 30 years ago, but always intended to have development go back here. So really this is our access point. You can see the curve radius that coincides with the road itself.

So they have been paying taxes on this 10-plus-acre piece of land for 30 plus years, I guess, right, guys? So I just want to point that out. We're not -- if anything, typically, we will help drainage. I believe it was a gentleman back on Gilead Hill who -- maybe there is something we can do to help him. That is probably the only spot that water didn't come in on us when we were gathering it. So we may be able to do a lot-line swale. We can look into that.

It is nice working with Perna Homes. They try to make good neighbors because they're trying to sell eight houses here. The entry way, they will want to make it look nice, because again, they're trying to sell houses. So at the end of the day, it will be a nice project.

MICHAEL NYHAN: Okay. At this point, you know, we would accept a request to table this until you have your SWPPP done and you can review that along with SEQR. And then come back at the next meeting.

MR. FITZGERALD: Okay.

MICHAEL NYHAN: So if you want to make that, we could -- I will leave the Public Hearing open so the next meeting, there will also be a Public Hearing.

Sir, are you requesting this to be tabled so you can complete your SWPPP?

MR. FITZGERALD: Yes.

MICHAEL NYHAN: Hang on. We'll get through this piece right here. At this point we'll make a motion to -- you know, before we table it, is there any other comments from the Board or any feedback you would like to give the developer and you would like to see?

ERIC STOWE: Just with respect to notice.

MICHAEL NYHAN: Right.

ERIC STOWE: As the Public Hearing has already been noticed, any future dates would be incumbent upon the people who want to be here to keep an eye out for the agendas and perhaps call for a notice, because the notice provision has been satisfied.

MICHAEL NYHAN: Okay. Any other comments, any other feedback for the developer?

A few things to look at, and my suggestion would be perhaps to get more feedback from the neighbors. And one, determine lighting, whether you want lighting or not. The one we will require is at the intersection, but that is up for you to figure out and come back with a proposal at the next meeting.

I will put down on the application that this -- after we vote on this, if it is tabled -- it is tabled, but please also contact the Building Department and say you want to be on the agenda for next month so you are not missed.

Paul (Wanzenried), do they follow up with the Town Board for the easement or is that something they follow up with David (Dunning)?

PAUL WANZENRIED: Follow up with David (Dunning) or Dawn (Forte).

MICHAEL NYHAN: Call the Supervisor's office?

PAUL WANZENRIED: Yes.

MICHAEL NYHAN: Call the Supervisor's office and speak with Dawn (Forte).

With that I will accept the request to table this.

JOHN HELLABY: Second.

DECISION: Unanimously tabled at the applicant's request. This matter has been left open for a public hearing.

**INFORMAL BUSINESS:**

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

JOSEPH DEFENDIS: I'm recusing myself from this action.

MICHAEL NYHAN: For your previous employment?

JOSEPH DEFENDIS: Yes.

MICHAEL NYHAN: From his previous employment engagement with the applicant.

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

MR. PARRONE: Edward Parrone from Parrone Engineering here on behalf of Rochester's Cornerstone Group. With me this evening is Mr. Ryan Brandt and Mr. Zach Romano and we are here, in fact, for final approval.

I'm going to turn it over for landscaping in a minute, but what I would like to do as far as the site plan and the SWPPP information, we received from the Town Engineer a letter dated today -- or actually yesterday -- and some of these are very technical in nature. Some have already been done on the documents that you received. We anticipated some of those, so we took care of those. Some of the other comments are relative to the SWPPP, which I have an extra copy if anyone on the Board would like to read this beautiful document for the record. You're more than welcome to do that. And some of the comments that Mike (Hanscom) had indicated, Town Engineer actually indicated, we need to address and we will.

As far as one of the questions that you all have, preliminary approval, is the lighting plan. The lighting plan is, in fact, part of your package now. It clearly denotes the photometrics where all of the lights will be placed. I don't want to take any of his thunder away, but we do have up here (indicating) the detailed landscaping plan and you also have in your packet the detailed landscaping plan for the project. And Zach (Romano) is going to get involved now with the landscaping plan and some of the things that they did. And we brought an exhibit for you, as well. I will turn it over to Zach (Romano).

MR. ROMANO: I'm Zach Romano with Cornerstone Group. So just as Ed (Parrone) was mentioning, I will turn our attention briefly to the landscape plan. So per last meeting, and the counsel of the Planning Board, we put trees all along the street, maintained the buffer along the neighbor's property, Mr. Destain, and we have now incorporated a fence officially into the detail. You will find the fence detail -- it's an actual detail. But it seemed important to actually bring a sample in to show the natural wood and how it would fit with the character of the neighborhood.

So just to be clear, this is not a 4 foot fence. This is 3 feet 6 inches. So think of it being a little bit taller.

MICHAEL NYHAN: But this is -- this is specifically the style of fence, the kind of board-on-board, sort of construction. And so I just wanted to bring a sample in.

MR. PARRONE: I will bring it to Paul (Bloser).

MR. ROMANO: It will be pressure-treated yellow pine.

PAUL BLOSER: It has overlap. That is what I was looking for.

MR. PARRONE: That is what it is. That is what it is going to be.

MICHAEL NYHAN: Thank you for bringing that in.

MR. PARRONE: You're more than welcome. Thank LeCesse for that one.

MR. ROMANO: Mr. Ben Nelson.

So that was -- I don't know if there are any questions about the landscape plan in particular. I think -- and just the other thing, too, the rain gardens per the runoff Parrone Engineering had done for the plans -- that will not have any real plantings. So there was really no amendment to the landscape plan per the runoff provisions on the SWPPP.

Thank you.

MR. PARRONE: We'll be more than happy to answer any of your questions. And we'll go from there. I think we have addressed everything finally.

MICHAEL NYHAN: Matt (Emens)?

MATT EMENS: Just looking at the lighting plan, it looks like there is only one spot in that back -- oh, I don't know what is that, west corner where it looks like -- I mean, schematically or graphically, it looks like there might be a little bit of spill over onto the fence. But other than that, it is pretty far away from the homeowner.

So is that -- that is only half a foot candle and barely touching the fence. So what is the



height of that? Ed (Parrone), remind me what was the height?

MR. PARRONE: The fence was 4 feet for 75 --

MATT EMENS: No. The light.

MR. PARRONE: I think it was 16, if I'm not mistaken. 16 or 18 feet.

MATT EMENS: Does it --

MR. PARRONE: The height of the pole.

MATT EMENS: I guess I just wonder if that one needs to be as --

MR. PARRONE: High?

MATT EMENS: Yeah.

MR. PARRONE: We can look at that to see --

MATT EMENS: It is close. I mean --

MR. PARRONE: We certainly can. In the west corner, right?

MATT EMENS: Yep. Yep.

I think that was everything you guys have addressed, so thank you very much. I'm good.

JOHN HELLABY: I think I'm good.

GLENN HYDE: Just a question about the fence. I know we had some dialogue about obviously in the -- from Union Street, the first 30 or so feet --

MR. PARRONE: 75.

GLENN HYDE: -- 75 feet and then possibly going up?

MR. PARRONE: Yes, it is.

MR. ROMANO: 15 feet back for the right-of-way, 15 feet to 60 feet further from the right-of-way, to 75 feet, that will be a 4 foot fence, which is code compliant.

But then the remainder from there around the back of the house to Union Street will be 6 feet.

MR. PARRONE: We'll get the variance for that for the back portion of the exception piece.

MR. ROMANO: We'll be going to the Zoning Board. The application has been submitted already.

MICHAEL NYHAN: Okay. Nothing further.

DAVID CROSS: I'm good.

MR. PARRONE: I brought that down here (indicating), because I knew you were going to ask that question.

PAUL BLOSER: All I needed was a drawing. The fact you brought that, appreciate the time to do that. Thank you very much.

MR. PARRONE: Now it clearly defines what -- the property owner had the issue, that light would go through. It is not going to go through.

PAUL BLOSER: That was my big concern. Again, appreciate the effort. It goes above and beyond what I was --

PAUL WANZENREID: Expecting.

MATT EMENS: And now will they actually use hot-dipped galvanized nails so they don't rust?

MR. PARRONE: Is this Bushnell's Basin? I don't think it is Bushnell's Basin in the Town of Perinton. I don't think so. We had to do that, by the way.

MICHAEL HANSCOM: Nothing additional at this time.

ERIC STOWE: Just a condition for the ZBA variance.

MICHAEL NYHAN: Okay. You have addressed everything. Thank you for getting the samples into us. We understand there are a few technical engineering items with mitigation between -- both our Commissioner of Public Works and Town Engineer feel can be handled between you and them so that will be an a condition of approval before we move forward. But I think at this point --

ERIC STOWE: Mike (Hanscom), the only other one was Dave Lindsay's comment regarding the SWPPP and the post construction storm water quality.

MR. PARRONE: I think that is part of Mike (Hanscom)'s comments. But --

ERIC STOWE: Dave (Lindsay) was asking for a specific condition that it is on his approval and Mike (Hanscom)'s approval complying with -- and New York State DEC post construction storm water. So that is a specific condition Dave (Lindsay) was asking for.

MICHAEL NYHAN: Can I add that to final?

ERIC STOWE: Yep.

MICHAEL NYHAN: Okay.

ERIC STOWE: I think we're covered with final approvals with the Town Engineer, as well, and the DPW.

MICHAEL NYHAN: Give me a second to find that email. Was it in his email, the last email he sent today?

Wetland permit, his approval and Mike (Hanscom)'s approval.

So you want the post construction storm water quality to be approved by both David (Lindsay) and Mike (Hanscom)?

ERIC STOWE: On the appropriate wetland permits. Approved by Mr. Hanscom and Mr. Lindsay.

MR. PARRONE: The permit is actually -- so everyone knows, Mike (Hanscom) doesn't actually approve the permit. The permit is actually handled by our wetland consultant and it is being proposed by Mr. Gene Pellett to the Army Corps of Engineers.

ERIC STOWE: But just reviewed and --

MICHAEL NYHAN: Let me know.

What I have -- let me know if you want more.

Required permits from U.S. Army Corps of Engineers and New York State DEC permits required will be obtained and the approved wetland mitigation permit will be completed prior to signing of the mylars.

ERIC STOWE: I'm fine with that.

MICHAEL NYHAN: All right. So just to add the one post construction Storm Water Quality Plan approved by the Commissioner of Public Works and the Town Engineer. So let me go through the conditions and then we will have a motion and vote on this.

The conditions of approval are all previous conditions imposed by this Board that are still pertinent to the application remain in effect.

I will read the ones that have been placed on here just so they're all covered.

Additional tree plantings along Union Street similar to the planting along Union Square Boulevard and between Union Street and Building 1 and 6. Continued plantings along the 4 foot fence from Building 1 and 6 to Union Street, which I saw on your plans.

The applicant shall supply an updated landscape plan drawn by a licensed landscape architect along with the required checklist to the Building Department with additional tree plantings in front of the two buildings along Union Street.

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.

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

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

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

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

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

Building permits 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 and all required variances.

Applicant shall 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.

Proposed floor plans to be reviewed and approved by the Town of Chili Building Department and Fire Marshal before the issuance of the building permit.

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

Provide photometrics on the lighting plan.

Copies of permit application shall be provided to the Town of Chili Building Department.

A map of easement boundaries and a copy of easement language and easement description must be provided to the Planning Board Attorney for review.

Copies of all -- excuse me. 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.

Required permits from the US Army Corps of Engineers and New York State DEC permits required will be -- permits required will be obtained and the approved wetlands mitigation plan will be completed prior to the signing of mylars.

Provide detail of fence construction and materials to provide privacy between the property at 3311 Union Street and this development. Show detail of the 6 foot fence -- the site plan from the 75 foot setback on the north side of the property along property line to the 75 foot setback on the south side of the property and obtain variance as required.

Post construction Storm Water Quality Plan approved by the Commissioner of Public Works and the Town Engineer.

Any other conditions?

MR. PARRONE: That's enough. That's enough.

ERIC STOWE: Wetlands and post construction storm water?

MICHAEL NYHAN: Good.

ERIC STOWE: Did you --

MICHAEL NYHAN: U.S. Army Corps of Engineers --

ERIC STOWE: Okay.

MICHAEL NYHAN: Okay. With those conditions, the application of the Rochester's Cornerstone Group Union Street, LLC, 30 Grove Street, Pittsford, New York 14534; for final site plan approval to erect 1 apartment building totaling 24 units at the property located at 154 Union Square Boulevard in the PRD District.

Application of Rochester's Cornerstone Group Union Street, LLC, 30 Grove Street, Pittsford, New York 14534; for final site plan approval to erect 6 apartment buildings totaling 48 units at the property located at 3327 Union Street in the PRD (Planned Residential Development) District.

JOHN HELLABY: Second.

DECISION ON APPLICATION 1: Unanimously approved by a vote of 7 yes with the following conditions:

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. 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 landscape plan.
3. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
4. The Town Engineer and Commissioner of Public Works shall be given copies of a correspondence with approving agencies.
5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
6. Plans must be reviewed by the MCWA and MCPW with copies of the submission to the Town of Chili Building Department.
7. The Planning Board affirms the recommendations of the Architectural Advisory Committee and requires that the applicant comply with these recommendation.
8. Building permits shall not be issued prior to applicant complying with all conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. Pending approval of the Zoning Board of Appeals of all required variances.
11. Applicant to comply with all conditions of the Zoning Board of appeals as applicable.
12. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshall.
13. The proposed floor plans be reviewed and approved by the Town of Chili Building Department and Fire Marshal before the issuance of building permit.
14. Applicant provide written reply to the comments from the Town Engineer letters.
15. Provide photometrics on the light plan.
16. Copies of permit applications shall be provided to the Town of Chili Building Department.
17. A map of easement boundaries and copy of easement language and easement description must be provided to the Planning Board Attorney for review.
18. Copies of all easements associated with the project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the Mylars.
19. Required permits from US Army Corp of Engineers and any NYS DEC permits required will be obtained and the approved wetlands mitigation plan will be complete prior to the signing of Mylars.
20. Post construction Storm Water Quality Plan approved by the Commissioner of Public Works and Town Engineer.

DECISION ON APPLICATION 2: Unanimously approved by a vote of 7 yes with the

following conditions:

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
2. Additional tree plantings along Unions Street similar to plants along Union Square Boulevard between Union St. and Buildings 1 and 6. Continue planting along 4' fence from Building 1 and 6 to Union St.
3. The applicant shall supply and updated plan drawn by a Licensed Landscape Architect along with the required checklist to the Building Department with additional tree plantings in front of 2 buildings along Union Street.
4. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved plantings.
5. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
6. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
7. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
8. Plans must be reviewed by the MCWA and MCPW with copies of the submission to the Town of Chili Building Department.
9. The Panning Board affirms the recommendations of the Architectural Advisory Committee and requires that the applicant comply with these recommendations.
10. Building permits shall not be issued prior to applicant complying with all conditions.
11. Application is subject to all required permits, inspections, and code compliance regulations.
12. Application is subject of all the Zoning Board of Appeals of all required variances.
13. Applicant to comply with all conditions of the Zoning Board of Appeals as applicable.
14. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
15. The proposed floor plans be reviewed and approved by the Town of Chili Building Department and Fire Marshal before the issuance of building permit.
16. Applicant provide written reply to the comments from the Town Engineer letters.
17. Provide photometrics on the lighting plan.
18. Copies of permit application shall be provided to the Town of Chili Building Department.
19. A map of easement boundaries and copy of easement language and easement description must be provided to the Planning Board Attorney for review.
20. Copies of all easements associated with this project shall be provided to Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the Mylars.
21. Required permits from US Army Crop of Engineers and any NYS DEC permits required will be obtained and the approved wetlands mitigation plan will be completed prior to the signing of Mylars.

22. Provide detail of fence construction and materials to provide privacy between property at 3311 Unions St. And this development.
23. Show detail of 6' fence on site plan from 75' setback on north side of property, along property line to 75' setback on south side of property and obtain variance as required.
24. Post construction Storm Water Quality Plan approved by the Commissioner of Public Works and Town Engineer.

Glenn Hyde made a motion to approve the 6/9/2020 Planning Board meeting minutes, and Matt Emens seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:56 p.m.