

CHILI PLANNING BOARD
August 11, 2020

A meeting of the Chili Planning Board was held on August 11, 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.

PUBLIC HEARINGS:

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

Robert Fitzgerald and James Perna were present to represent the application.

MR. FITZGERALD: Thank you. Good evening. My name is Rob Fitzgerald, Project Engineer for this project, representing Perna Homes and with me tonight is Jimmy Perna. We were here last month. This is again an eight-lot residential subdivision. It does comply with existing zoning code.

One of the big items last month, why we did table the application is so I could have time to prepare the SWPPP report. It has been a busy month. I did get that into the Town Engineer about a week ago, a week and a half ago. The engineer did a good job of responding to us in the last day or two to give us comments back to that.

For the most part, we addressed most of the comments from the previous meeting. There is a couple more detailed items we need to work out, mostly nuts and bolts engineering by nature, no real big design changes. We did get a new comment letter and mostly it just revolved around the SPDES permit. Some of it will be filed with the DEC. We have to have a notice of intent. That is usually one of the last things we do online, when we get to the very end.

We think we made good progress as far as the drainage goes. If I can approach the Board, one thing we do, per the direction of the DPW, we are now piping this ditch, a rather large ditch, so that will clean up the whole entranceway as well as make it nicer for the neighbors, the existing neighbors on either side. But that is a big improvement and pretty costly improvement, too. Right now we have it piped as a 24-inch pipe. We'll have some back and forth with the Town Engineer and DPW on that.

The culvert that crosses King Road is a 30, so we wanted to make sure we're not going to back up any further. So that 24-inch pipe could go to 27, to 30, but we do need to crunch more numbers and make sure everybody is on the same page on that.

Two things. We don't want to back the water up too much into the pond. But at the same time, we don't want to push too much water towards King Road, so that is a balancing act. But most of that, we know we have additional landscaping. We have a light at King Road now. I think we went through and tried to address most of the Engineer's comments as well as DPW. We missed on a couple. We still have some more detail, but we'll certainly continue to work with them to get there.

With that, I will take any questions the Board may have.

MICHAEL NYHAN: Were there any other changes from our last meeting to this meeting made to the drawings other than the SWPPP?

MR. FITZGERALD: They're outlined in the letter, my letter of intent when we last submitted. But mostly just addressing those comments from both DPW and Town Engineer. We had the Town Engineer comments ahead of the meeting. We did get ten more comments from DPW thereafter.

Since then, we had a chance to go out there, I believe -- at least Dave Lindsay, DPW, to look at drainage and he has some more requests for us to do some potential cleaning around the existing outlet structures of the pond. You know, things we'll continue to work with them. There is some sediment in that pond and it doesn't look like it has been touched for 20 years or so.

MICHAEL NYHAN: Okay.

MR. FITZGERALD: No major design changes, no lot changes.

MICHAEL NYHAN: That is what I was getting at.

MATT EMENS: Rob (Fitzgerald), you mentioned on the -- I thought you said a light -- a light at King Road.

MR. FITZGERALD: Yes. That is one of the comments that the Planning Board Chair brought up.

MATT EMENS: We talked about it.

MR. FITZGERALD: For now we did one streetlight.

MICHAEL NYHAN: Which sheet are we on?

MR. FITZGERALD: Probably the utility sheets. C-2.

MATT EMENS: Yep. Right there. So just the one light added, Rob (Fitzgerald)?

MR. FITZGERALD: Well, that is one we definitely want to do. Again, we're willing to do more streetlights if that is what the Board is looking to do. Mr. Perna doesn't have an issue with that.

MR. PERNA: I would like to do them.

MR. FITZGERALD: He would actually like to do them.

MATT EMENS: I'm just asking because I did not see that lone one up there. I just had in my notes it was something that was brought up. I know it was back and forth. I don't know that -- I think one of the thoughts was if there weren't any, it would be less disturbing possibly to the existing houses, the neighborhood residences is all. I was just asking the question. And now that I see the one up front, at least I know what you did add.

MR. FITZGERALD: For safety reasons, just ingress and egress into the new tract.

MATT EMENS: Yep. That is all I got right now.

JOHN HELLABY: The only thing I have got is for Michael Hanscom. The letter of August -- August 10th letter, I just got two hours ago. I just ask, is there any show-stoppers or any issues that might hold this thing up?

MICHAEL HANSCOM: Um, not that I'm aware of.

JOHN HELLABY: All right. That is all I got right now.

MICHAEL NYHAN: If the lights are added, make sure -- you will have to submit them to the Building Department and make sure they're dark-sky compliant, for approval.

I forget. Is there going to be any signage at the entrance?

MR. FITZGERALD: Are you doing a sign, Jimmy (Perna)?

MR. PERNA: I really haven't thought about it. I want to keep it as kind of private --

MICHAEL NYHAN: Okay. No requirement. But if there are, make sure it complies with the Town Code.

MR. PERNA: Maybe just a sign that says "private drive." That's it. I don't want to make it too --

MICHAEL NYHAN: Okay.

MR. FITZGERALD: We will have a stop sign on the way out.

MICHAEL NYHAN: I meant identifying the tract signage. DPW will require any signage for traffic control.

DAVID CROSS: I'm satisfied --

PAUL WANZENRIED: Did he just say "private drive"?

MR. PERNA: Not private drive. I didn't mean to say that. I want to keep it as private as possible.

DAVID CROSS: You are not going to put a subdivision sign out front?

MR. PERNA: No.

DAVID LINDSAY: My only comment tonight was going to be about the ditch, but you have already addressed that. Hard piping the ditch.

MICHAEL HANSCOM: No additional comments.

ERIC STOWE: Nothing other than the -- obviously the relinquishment of the easement from the Town Board as a condition.

MR. FITZGERALD: That is something we have started doing as the release of the easement. That process will be moving along and probably granted, so we have started that, as well.

MICHAEL NYHAN: Last meeting we kept the Public Hearing open so --

JOHN HELLABY: Before you do that, was there any Fire Marshal comments? I don't recall.

MICHAEL NYHAN: No, there were not.

JOHN HELLABY: All right.

PAUL WANZENRIED: Was good.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MICHAEL GUILIANO, 23 Gilead Hill Road

MR. GUILIANO: Michael Guiliano, 23 Gilead Hill Road.

I was here last time. Thank you for sending the letter to my house this time. I brought up the -- it is right on the back side of that -- I brought up the drainage.

MICHAEL NYHAN: Right.

MR. GUILIANO: Which nobody seemed to address anything about up until now. My backyard flooded this spring, horribly. Ponding water back there.

MICHAEL NYHAN: Okay.

MR. GIULIANO: That is just with the defoliation flows back there. Now you will put eight houses here with manicured lawns and roofs. So basically, this next spring, or whenever this is complete, my backyard is going to be (indiscernible). Has anything been addressed about that?

MICHAEL NYHAN: Yes. The drainage plan has been put into place. I won't speak for our Town Engineer.

Maybe, Mike (Hanscom), you can address -- once the final landscaping and elevations are done in this tract, none of the properties will be permitted to drain off the property to somebody else's; is that correct?

MICHAEL HANSCOM: There is a note on the plans that all downspouts are supposed to be directed to the front or rear of the property. You can't -- they can't direct them to the side of the property.

MICHAEL NYHAN: Okay.

MR. GIULIANO: That's fine --

MICHAEL NYHAN: Also the elevation for the land won't drain directly into a neighbor's yard; is that correct?

MICHAEL HANSCOM: Um, not the way it is currently.

MR. GIULIANO: Well, currently, it -- it is domed. The whole property back there is domed. So you're saying it wasn't going to be regraded drastically. As of right now, it does drain and the two lots are -- their backyards are directly where my backyard is.

MICHAEL NYHAN: Okay.

MR. GIULIANO: So like I said, you will have manicured lawns and roofs draining into my backyard.

MICHAEL NYHAN: What lot is yours?

MR. GIULIANO: 23 Gilead Hill Road.

MICHAEL NYHAN: The roofs won't be draining into your yards. There is a requirement to connect the downspouts directly to the drainage system, the storm water system.

MR. GIULIANO: Where does that go?

MICHAEL NYHAN: That goes to a pond which then drains under King Road.

MR. GIULIANO: But the manicured lawns will drain?

MICHAEL NYHAN: That is the question I'm asking. Is the elevations in the neighborhood the question -- that is what I asked the engineer, and it is that -- the property that is being developed, is it permitted to drain directly into your yard? It has to go into something that will move it away. Into a culvert or some other kind of drainage condition.

MR. GIULIANO: As of right now, the elevation is higher than my backyard. Quite a bit.

DAVID CROSS: I do see the applicant's concern. I do see the lot there. And it does appear that -- that there might be a little sheet flow headed your way.

Mike Hanscom, can you take a little further look at that? I see 580 and 79 down towards his lot.

MICHAEL NYHAN: While they discuss it, was there another comment?

MR. GIULIANO: That was it. The drainage was my biggest thing. Nobody seemed to address it. Like I said --

MICHAEL NYHAN: We didn't have the drainage plan last month. That is why it was not addressed last month. Since then it has been submitted. I have a question to the Town Engineer what that looks like as far as drainage into your property, so -- they will discuss -- do you have an answer now? They were discussing it. Go ahead.

MR. GIULIANO: If it is not adequate, will we have recourse once the houses are up? Probably not, right?

MICHAEL HANSCOM: The way they have graded the property -- Mr. Fitzgerald can talk to this, um -- all of the houses either drain to the road or into -- or into the pond. There is only -- none of the houses actually drain directly to -- you live at 160?

MR. GIULIANO: No. 23.

MATT EMENS: Lot 109 on the drawing.

MR. GIULIANO: A lot of backyards drain into my yard.

MICHAEL NYHAN: I understand. We understand what you're saying.

MR. GIULIANO: When the trees were there, it wasn't a big deal, but now it is leveled -- not leveled, but all of the brush is removed. It was eating up a lot of that water. Now a manicured lawn will be even worse.

MICHAEL HANSCOM: This should definitely be an improvement for you, based on where you're located at because all of the -- all of the driveways, the road itself, everything goes into the -- into the large pond that is behind the property.

MR. GIULIANO: Right.

MICHAEL HANSCOM: So it is removing some drainage that would be going towards your house. The one large domed area, they're leaving it forested and not taking the trees out of there at this time.

MR. GIULIANO: My concern was, at first meeting, the lots would go generally ungraded. And the way -- the way the property is graded now, it -- it -- it is domed and it runs to my backyard. That is my concern. If they're not going to be regraded, you're going to have the large, manicured lawn's backyard draining water directly into my -- I can't even access my shed this spring. It looked like an island in a middle of a pond.

MICHAEL HANSCOM: I have to talk to the Commissioner of Public Works about it.

MICHAEL NYHAN: What lot number is that, Mike (Hanscom)?

MICHAEL HANSCOM: 109.

MATT EMENS: 109.

Can I ask a follow-up questions on that, Mike (Hanscom), too? It looks like on the front page and then the note gets lost on the next couple of drawings, but it looks like Lot 109, 110 and 111, there is an existing 10 foot wide drainage easement that is already there, correct? If you look at sheet -- what the final plat -- the front cover page.

MR. PERNA: Those are easements that we did when we did the pond.

MR. FITZGERALD: Our parcel to the north?

MICHAEL NYHAN: Correct.

MR. FITZGERALD: (Indiscernible). That's pretty common that the developer will extend drainage easements.

MATT EMENS: Just as education. Not that you're --

MR. GIULIANO: There is an easement there but no drainage there?

MATT EMENS: No. But what I'm saying, it is part of the drainage plan. That is why the easement is there. So -- and I don't know how it is designed. I'm just saying if you didn't -- if you weren't aware of that, that is -- all that is -- that is what is there. For your information.

MR. GIULIANO: There is nothing manmade there for drainage. Is that what you're saying? The easement is there for future drainage?

MATT EMENS: Well, it's there for drainage. I don't know if it is -- was designed, planned or whatever. I -- I'm just telling you that is what is there.

MICHAEL NYHAN: So hang on.

MR. GIULIANO: I understand what the easement means, but there is nothing there --

MICHAEL NYHAN: Hang on a second. So the question is, for the property in Gilead Hill, will there be a break in elevation to this gentleman's backyard? In other words, water won't go past the property line of Gilead Hill into his yard -- the Gilead Hill Subdivision into his yard? Is there normally a break or swale that keeps it from going onto others' property?

Dave (Cross), you have the two lot numbers.

PAUL WANZENRIED: Why don't we ask Mr. Fitzgerald?

MR. FITZGERALD: Chairman, if I could add to that, this blue line I'm drawing here, that is the existing crest (indicating). That is the high point. Everything here flows that way presently. Everything here goes this way (indicating) into our pond presently. All our permits are on the downhill sides of that shed, so any permit, additional runoff will be going to the pond.

So the existing areas that go to the north, there -- we're not touching them. Basically they will continue to be lawn.

I did make the comment, maybe there would be something that we could possibly do to help out a neighbor. I'm always looking to be a good neighbor myself. In this location, we could possibly do a swale. There is a nice row of pine trees. I don't think anybody wants that dug up. Really that is the only thing we could do on our side to possibly alleviate it. Maybe there is something that could be done on the north side. But without wiping out these trees, we can't alleviate it. But again, I want to reiterate. We not making anything worse. If anything, we're grabbing a little of the watershed and bringing it onto us.

MR. GIULIANO: Not really. You are not making it better because you have manicured lawns.

MICHAEL NYHAN: Hang on a second.

MR. GIULIANO: Sorry.

MICHAEL NYHAN: Just so we understand, the elevation from the Gilead Hill Subdivision at the property line will be lower than the property line behind the tract, so water can't flow onto their property.

MR. FITZGERALD: Right.

MICHAEL NYHAN: Is that what you're asking, Dave (Cross), on your drawing? Does it show that it's lower or not?

DAVID CROSS: I see a high point on that 580 contour and there is some existing flow headed -- I'm sorry. I forgot your name.

MR. GIULIANO: Mike.

DAVID CROSS: -- towards Mike (Guiliano)'s yard and from Matt (Emens)'s point, I see an existing easement. So maybe the Town could go in there and do a little swale. That's all. Get some of the flow to head back east, the way it is supposed to go.

MICHAEL NYHAN: So just --

MR. PERNA: James Perna, with Perna Homes. Listen, there -- where he is out in here -- this is where you are, right?

MR. GIULIANO: Yes.

MR. PERNA: I -- I know there -- when they built -- we didn't build these houses. We didn't develop this.

MR. GIULIANO: Right.

MR. PERNA: What's the name of who did that?

MICHAEL NYHAN: Jimmy (Perna), irrelevant.

What are you going to say? What is your point?

MR. PERNA: To make a long story short, if I can do something to help this out, I don't have a problem. But the problem is there's big Christmas trees now. I don't want to cut the Christmas trees down because then you will lose all your privacy. If we can cut a swale there, I don't have a problem with it. We can do that, right?

MR. FITZGERALD: Like I said --

MR. PERNA: Maybe we can cut a little swale to grab this water, that's fine. But we really have to look at it. Because we want to leave this ground here (indicating) as natural as possible.

MR. GIULIANO: Right. And I understand that.

MICHAEL NYHAN: Thanks, Jimmy (Perna).

So if you could in your engineering drawings just be sure that the elevations are such that the water doesn't flow on from these properties to the properties behind them.

All right?

MR. FITZGERALD: Sure.

MICHAEL NYHAN: Okay. Thank you.

MR. GIULIANO: Thank you.

MICHAEL NYHAN: You're welcome.

MR. PERNA: I will work with you on that.

AMANDA PITCHER, 17 Gilead Hill.

MS. AMANDA PITCHER: Hi. I'm Amanda Pitcher, 17 Gilead Hill Road. Been there for 29 years now. I'm little late to the party. I just got a notice about the Public Hearing. I didn't get a notice for it last time so I didn't even know any of this until my neighbors told me. I knew there was one house being built next to the rectory, but I didn't realize we were getting a whole subdivision.

I'm just curious about two different things. One, was there a traffic study done? Because there are days where you cannot get out of King Road because it is just so much traffic lately. I mean Gilead Hill used to be a dead-end. But Ryan Homes came and opened it up. And then Fallone Homes came and added more. We just keep getting more and more, but there is nothing to compensate for getting in and out, going to work.

MICHAEL NYHAN: Okay. Your second point?

MS. AMANDA PITCHER: Was there a traffic study done to add more houses to that street?

MICHAEL NYHAN: There is eight homes that would not warrant a traffic study.

MS. AMANDA PITCHER: Eight homes that will have at least two, if not three cars per house so that will add more to that high-traffic road. Like I said, when I bought my house, there was nothing there. It was just the houses on King Road.

MICHAEL NYHAN: Right.

MS. AMANDA PITCHER: Now, this is the third subdivision to pop up in there.

MICHAEL NYHAN: Right.

MS. AMANDA PITCHER: So we're just not going to worry about traffic?

MICHAEL NYHAN: No. It is not that we're not going to. It is eight homes and it doesn't warrant a full traffic study even if it is two cars per home. It doesn't even come close --

MS. AMANDA PITCHER: There will be at least two cars.

MICHAEL NYHAN: It doesn't come close --

MS. AMANDA PITCHER: Probably gonna be more. Because these are expensive houses.

MICHAEL NYHAN: All right. So we understand your comment.

Is there other comment? Do you have --

MS. AMANDA PITCHER: How will this affect our taxes? Because houses that expensive, everybody else's assessments will go up. I know everybody says we don't raise taxes, which politically is a great thing to say, but we just reassess you and your assessments keep going up and up.

MICHAEL NYHAN: I don't have an answer for that. So...

MS. AMANDA PITCHER: All right.

MICHAEL NYHAN: Anything else?

MS. AMANDA PITCHER: Yes. I was supposed to be sent Public Hearing notices earlier. I used to work as a Secretary for a Planning Board in another Town and I made sure everybody even remotely near where a building was going to be got a Public Hearing notice. I didn't get one for this.

MICHAEL NYHAN: Okay. You got one for tonight. I think that was corrected. I don't know what happened the last time.

MS. AMANDA PITCHER: Obviously you're further into it. This is not the first meeting.

MICHAEL NYHAN: Continuation of the first meeting.

MS. AMANDA PITCHER: Exactly. Why were there not more?

MICHAEL NYHAN: I can't answer that. I don't know.

MS. AMANDA PITCHER: Kind of feels like you don't care.

MICHAEL NYHAN: It is not -- it is not that I don't care, ma'am, but I can't go back and change that.

MS. AMANDA PITCHER: I have been living here 29 years. I have been paying my taxes, obeying the law, do everything I gotta do. I raised five kids in that house and I kind of feel like you don't really care much. Little worrisome. Makes me wonder how long I want to stay in Chili.

MICHAEL NYHAN: Okay. Thank you, ma'am.

MS. AMANDA PITCHER: Thank you.

MR. EDWARD MCCAFFERY: Ma'am, just so you know, the only notification that was given --

MICHAEL NYHAN: Sir, just address the Board with your questions, please.

EDWARD MCCAFFREY, 162 King Road

MR. EDWARD MCCAFFREY: I was also not given a notification.

MICHAEL NYHAN: Your address, again, sir?

MR. EDWARD MCCAFFREY: 162 King Road.

MICHAEL NYHAN: Thank you.

MR. EDWARD MCCAFFREY: No. Only notification I got for the last month's meeting was the sign by the road.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFREY: I did get the letter. Thank you. Which is appreciated.

Has there been any further discussion on the Planning Board to move the entrance to a different location?

MICHAEL NYHAN: There has been no other discussion than here. We don't discuss the plans outside of these meetings. That is where the developer has proposed it and that is the plan that we're reviewing.

MR. EDWARD MCCAFFREY: So you would rather disrupt two other families that have been here for 20 years rather than put the entrance to the building sites further down the road on Perna property?

MICHAEL NYHAN: So you're concerned about the entrance. You mentioned that last week.

MR. EDWARD MCCAFFREY: Yes. Like the lady here said, traffic is already bad in the morning. Okay? I stated last time, that there has been three major accidents at Gilead Hill and King Road. Now you're going to put another entranceway? 300 yards, 400 yards -- I'm not sure exactly away -- from there? You will see a lot more.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFREY: If it is pushed further down the road, where there is a vacant lot, where it would not affect no other current residents of Chili, I don't think you would have that effect.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFREY: Because where the old run-down house was, that entranceway could go right there and not affect the neighbor on the west side or Mr. Ling (phonetic) on the east side. It wouldn't be near -- on either of their properties.

MICHAEL NYHAN: Okay.

MR. EDWARD MCCAFFREY: Is that something that could be discussed in future plans?

MICHAEL NYHAN: It is not being discussed because it is not being proposed. What we're discussing is what has been proposed, sir.

MR. EDWARD MCCAFFREY: What do I have to do to get it proposed?

MICHAEL NYHAN: You just did. You made your public comment. We heard your public comment. There will be Board discussion after this and then we'll move forward from there.

MR. EDWARD MCCAFFREY: And by the way, how will I get notification about the proposal that I just made?

MICHAEL NYHAN: Well, you will hear our discussion tonight and we'll probably go to a vote tonight and you will hear the answer.

MR. EDWARD MCCAFFREY: A vote for what?

MICHAEL NYHAN: Preliminary and final subdivision approval. That is what this meeting is for.

MR. EDWARD MCCAFFREY: I get that. I didn't know we're at the point of approving everything that Mr. Perna wants. A pond, disturbing two other residents that have been here for 20 years and paid their taxes just as well as he has.

MICHAEL NYHAN: Everybody in the area has paid taxes, including Mr. Perna.

Any other concerns?

MR. EDWARD MCCAFFREY: I am very concerned about the proposal I just proposed.

MICHAEL NYHAN: Okay. Thank you.

DAVE ABRAHAM, 45 Gilead Hill

MR. ABRAHAM: Dave Abraham, 45 Gilead Hill. On the pond itself, currently, it doesn't seem to have any water distribution in there. And with the additional yards that are going in, roof water, road water, et cetera, how is the pond being prepared to handle the additional water?

MICHAEL NYHAN: As part of the discussion we had with pipe sizes and Town Engineer, they will be reviewing the flows to make sure the pond can handle the subdivision that is being built as part of the storm water detention pond.

MR. ABRAHAM: They also talked discussed the fact about taking care of the sediment that is there.

MICHAEL NYHAN: The Town has requested to remove the sediment and to rebuild some of the entranceways to some of the drainage culverts.

MR. ABRAHAM: Can I see those plans?

MICHAEL NYHAN: I don't believe we have those plans. The Town Engineer will be reviewing those.

MR. ABRAHAM: When could we have those available?

MICHAEL NYHAN: Would they be available in the Town? For public viewing? When they're complete? I assume when they're complete, right, after everything is done?

PAUL WANZENRIED: Anything presented here today you can come in tomorrow to look at.

MR. ABRAHAM: The reason I ask, we have times where the pond outlet hasn't been able to handle the amount of water coming in. I happen to have a stonewall put in the back of my yard. The water has been above that. We have some cases 4 and 5 foot of increase of water in a couple hours. I just want to see how this will be handled in the future is all.

MICHAEL NYHAN: Okay. Thank you.

ABBRIELLE PITCHER, Gilead Hill Road

MS. ABBRIELLE PITCHER: If there is so many questions and how much unknown, I don't know how you can vote. I'm sorry, but I'm just --

MICHAEL NYHAN: Name and address, ma'am.

MS. AMANDA PITCHER: Abbrielle Pitcher. I also live at 17 Gilead Hill Road. I wanted to come along and see how this works and it is actually really devastating because you're talking about how you're ready to vote tonight, but there is so many questions that seem unanswered and just so much that seems unknown. And I'm just very disappointed in our Town and the fact that you guys are -- take things so lightly.

It is just -- that is my comment. I'm very disappointed in the way our government, our local government is working right now. So that is all I would like to say.

MICHAEL NYHAN: Thank you. What is your first name again?

MS. ABBRIELLE PITCHER: Abbrielle, A-B-B-R-I-E-L-L-E.

MICHAEL NYHAN: Thank you.

PETE WORDEN, 160 King Road

MR. WORDEN: Um, just wondering if there is going to be a plan for any more trees to be put where this road is proposed to come in because if it is going to be like it is now -- also, as far as grading, what do you mean as far as grading? How much? How little?

MICHAEL NYHAN: You live -- if you're looking where the subdivision will be, are you immediately to the right?

MR. WORDEN: Other side of --

MICHAEL NYHAN: On the plans, there is a landscape plan with that. It is trees that will line the street that go through the development. There is also a plan to landscape the entranceway as it comes in. And I think there is discussion where there is two large trees. I think they might be right at the edge of your property or just off your property. They're going to try to preserve them as long as they can maintain the clearance above the roadway. Once the roadway is in the Town, it requires a certain clearance and they have to be sure they can meet that clearance. I know they're trying to work to preserve those trees at the entranceway.

MR. WORDEN: Is there a timeline when they will start this road? Do you have any idea --

MICHAEL NYHAN: There is -- Jimmy (Perna), when did you plan to start the development?

MR. PERNA: Middle September, October.

MICHAEL NYHAN: So there are several items that still need to be gone through and approved. His timeline is September. If everything can get done by then, I guess that would be the case, but before he starts everything, it would have to be approved by the Town Engineer and the Building Department.

MR. WORDEN: Will there be another meeting then after this?

MICHAEL NYHAN: No. These are all technical items that will be handled with the engineers. Thank you.

MR. EDWARD MCCAFFERY: Just a quick question. The roadway, does it cover the creek?

MICHAEL NYHAN: The creek?

MR. EDWARD MCCAFFERY: That is there now --

MICHAEL NYHAN: No.

MR. EDWARD MCCAFFERY: -- the drainage creek from the pond.

MICHAEL NYHAN: The drainage creek will be piped and --

MR. EDWARD MCCAFFERY: And then the roadway will be over that?

MICHAEL NYHAN: Then it will be filled with dirt over that.

MR. EDWARD MCCAFFERY: So the roadway will be over that drainage?

MICHAEL NYHAN: No. It will be next to it.

MR. EDWARD MCCAFFERY: To the west or to the east?

MICHAEL NYHAN: East. The drainage goes right along your property, right?

MR. EDWARD MCCAFFERY: East is this way, west is that way?

MICHAEL NYHAN: West is towards Union Street.

MR. EDWARD MCCAFFERY: Okay.

MICHAEL NYHAN: So it would be piped and then covered.

MR. WORDEN: The whole ditch --

MICHAEL NYHAN: Your name again? Sandra (Hewlett) can't remember -- can you just give your name again?

MR. WORDEN: Pete Worden.

Is the whole ditch going to be covered over or is it just the outlet coming toward the road?

MICHAEL NYHAN: No. It will be piped and then covered.

Any other comments?

MR. PERNA: The --

MICHAEL NYHAN: Hang on. You're the applicant. You can comment, but I want to get the public comments out.

PAUL CAMPING, 39 Gilead Hill Road

MR. CAMPING: Paul Camping, 39 Gilead Hill Road. And I -- this is the first notification that I got about this, so I apologize. I'm a little late to the game.

The area that is going to be developed is -- how far are those houses going to be from the edge of the pond?

MICHAEL NYHAN: Anybody have that calculation?

MR. PERNA: How -- the houses -- the house?

MR. CAMPING: Yes.

MICHAEL NYHAN: Do you have that, Rob (Fitzgerald)?

MR. CAMPING: Roughly.

MR. FITZGERALD: 100 yards, backyards, similar to what is on the other side of the pond.

MICHAEL NYHAN: About 100 yards.

MR. CAMPING: I live on the other side of the pond and I can tell you it is a very steep slope down into the pond. So my concern also is about drainage. When we do get rain, um, the culverts that exit out into the pond are like a fire hose and the pond does take on quite a bit of water. So I would just ask that every effort is made to try to keep the water from coming back up.

MICHAEL NYHAN: You mean overspilling the sides?

MR. CAMPING: Yes. Yes.

And who owns the property that the actual storm water retention pond is on? Is that the Town's property? I'm not even sure.

MICHAEL NYHAN: Did we take that as easement or does the developer still own it?

ERIC STOWE: We have the easement. We don't have the obligation to maintain it. It is the developer's property currently and it looks like it is split off to be owned by the individual lots.

MICHAEL NYHAN: Did you hear that?

MR. CAMPING: So my question is then who maintains it? Is it basically the developer that maintains it?

MICHAEL NYHAN: Correct. The developer maintains it if the Town has an easement --

ERIC STOWE: Not forever, no.

MICHAEL NYHAN: Once the development is all done.

ERIC STOWE: That's correct.

MICHAEL NYHAN: The Town would have an easement to be able to go in there and clean it up.

ERIC STOWE: It is important to be able to go in. We do not take on the obligation to maintain those easements. It is not a Town drainage pond.

MR. CAMPING: Did I hear mention that some work was going to be done to the existing easements that feed into the pond now; is that correct? From the spring --

MICHAEL NYHAN: No. Hang on, Jimmy (Perna). So there are some easements that were placed sometime ago and those easements are not used or if they're not appropriate for the land, they will be petitioning the Town Board to have the easements removed. And then any easements that is necessary for the Town to be able to access that, we'll be sure to have those easements.

MR. CAMPING: They're on the undeveloped property then, not the developed property then?

MICHAEL NYHAN: They actually run through some developed property and undeveloped property, yes.

MATT EMENS: They're actually on Mr. McCaffrey's -- across his garage and his driveway.

MR. CAMPING: Okay. So I have one, I believe, on either side of my house.

MICHAEL NYHAN: Gilead Hill?

MR. CAMPING: Yes.

MICHAEL NYHAN: None of those are applicable. Just the ones that are applicable to the development. There are a couple easements that go from the corner of the house on King, into this development and straight across towards the pond. That easement is not useful and is not needed, so any easements that are needed for the Town to have access to be able to correct or change or clean any of these drainage issues, the Town will be asking for easements for those.

MR. CAMPING: My last question is about the development itself -- this is my first time actually seeing the plans and whatnot. Is this information available publicly anywhere online? Or through the Town somehow?

MICHAEL NYHAN: Not online, but you have to come -- it is publicly available. You just have to come into the Town to review it. It is not online.

MR. CAMPING: Okay. And what size houses are these that are going up?

MICHAEL NYHAN: What -- Jimmy (Perna), what are the square footage per house approximately?

MR. PERNA: Probably looking at 450 and up.

MICHAEL NYHAN: No. The square footage.

MR. PERNA: I don't know. It depends if it is a ranch or Colonial, but they will be similar to -- what I built over on King Road right now, the big house, that is what they're going to be.

MICHAEL NYHAN: Thank you.

MR. CAMPING: Because I live on the other side of the pond and right now we enjoy that property as --

MICHAEL NYHAN: I understand.

MR. CAMPING: So this is going to greatly diminish the view we have.

MICHAEL NYHAN: I understand.

MR. CAMPING: Is any of that being retained as wild around the pond on the other side or is that being developed as lawns all of the way up to the edge of the pond?

MICHAEL NYHAN: Current plans indicate that -- Jimmy (Perna), these will be lawns right up to the pond?

MR. FITZGERALD: Again, similar to both the east and north of the pond.

MICHAEL NYHAN: Same type of set-up the other homes have. Okay. Thank you.

MR. PERNA: Same as they were on the other side.

MR. CAMPING: I live on the east side. It is cattails that surround the pond and my lawn ends somewhere down there.

MICHAEL NYHAN: Okay. Thank you.

ERIC STOWE: Just when we're talking about the drainage pond, just to be clear, the easement does not say that we -- that the Town maintains the pond.

MICHAEL NYHAN: Okay.

ERIC STOWE: It is just an easement that says they reserve the right to access.

MICHAEL NYHAN: In the event they wanted to --

ERIC STOWE: But not obligation to maintain. It's a common misconception. Just trying to make sure everybody hears it and is clear.

MICHAEL NYHAN: Thank you.

MR. EDWARD MCCAFFERY: The easement that we talked about that goes underneath my house, that is being removed; is that correct?

MICHAEL NYHAN: That is part of the easement -- I don't think Jimmy (Perna) can request an easement to be removed from his property; is that correct? He can only request it be removed from his own or will it be one continuous easement he can apply for?

ERIC STOWE: Theoretically the Town could abandon -- or release the easement.

MICHAEL NYHAN: Okay.

ERIC STOWE: If it is not being used. The applicant doesn't necessarily have the authority to say release easements that are on other people's property.

MICHAEL NYHAN: So would it be advisable for the gentleman that lives there to come in the same time and ask for that to be released also?

ERIC STOWE: It is going through his garage.

MR. EDWARD MCCAFFERY: I think I want it removed, yes.

ERIC STOWE: I can't give him legal advice, but...

MR. EDWARD MCCAFFERY: I don't need legal advice for that one. It is common sense.

MICHAEL NYHAN: So -- so the request to remove the easement could then technically -- because Jimmy (Perna) can't ask for it to be removed from yours, but I would say make the same application at the same time and have the entire easement removed and clean that that is on your property.

MR. EDWARD MCCAFFERY: Do it now?

MICHAEL NYHAN: No. You do that with the Town Board. That's an application for the Town Board.

MR. PERNA: We're going to the Town next month so if you want to come to the meeting --

MR. EDWARD MCCAFFERY: When is that?

MR. PERNA: I don't know. He made the application.

ERIC STOWE: Second Wednesday of the month, if I remember right.

MR. EDWARD MCCAFFERY: Of September?

MICHAEL NYHAN: It is after this meeting. So it would be the second --

ERIC STOWE: Call in tomorrow.

MICHAEL NYHAN: Call in to be sure, but I believe it is the second Wednesday of September.

MR. EDWARD MCCAFFERY: The 8th or 9th. Okay.

MR. GIULIANO: Mike Guiliano, again 23 Gilead Hill Road. It has to do with the pond. It says to be turned over -- the ownership of the pond will be turned over to the people that live in those houses near there? Is that what you're saying?

ERIC STOWE: That is what the lot lines are drawn as.

MR. GIULIANO: Let's say -- let's say this pond thing doesn't get resolved really well right now with the drainage and you would be flooding out some of the people in the backyards. Who will be responsible for paying for any new updates or upgrades to that pond? Like dredging it, cleaning out the -- the drainage pipes and culverts and whatnot? The people that own those houses will be paying for it? What about the people on the other side of the pond? Will they pay for it? When it is going to be turned over to them?

MICHAEL NYHAN: So the development will be required to complete whatever the Town

requests prior to them being able to finish the project. Once the project is finished and it meets the standards, what you're saying is if there is a problem with the pond, who is responsible?

MR. GIULIANO: Future.

MICHAEL NYHAN: Future problems with the pond. That is each of the individual homeowners, is our understanding, with the Town having the right or an easement to be able to get in there if necessary.

So -- so, Eric (Stowe), can you give a better definition what that means as far as if the homeowners don't take care of the pond?

ERIC STOWE: Actually, when you say don't take care of the pond, you're just talking about the drainage pipes; correct?

MR. GIULIANO: I'm talking about everything with the pond.

MICHAEL NYHAN: Okay. All right. I think --

MR. GIULIANO: Drainage and whatnot. What goes into the pond. You know, if -- if -- whatever is put in now is -- is deemed inadequate in the future, is somebody going to dig it up? Do they have to pay for it? Is it going to be all of our problem? I mean, obviously we have a water problem there now. I'm not the only one that stated that there is a water problem. Like I said, more manicured lawns, more roads, whatever, is just going to add to that. Like I said, if the drainage is inadequate, whose responsibility will it be? I mean -- the Town has the access to it, but once it is turned over, they're not going to be able to spend their money on fixing the pond for 12 houses.

MICHAEL NYHAN: All right.

ERIC STOWE: I can only speak to currently what happens, okay? Legally, it would be an obligation of the homeowner to maintain their property. Whether they do it, I can't tell you that. Okay. I can't predict into the future.

The Town -- and correct me if I am wrong, because I -- I'm the wrong guy to tell you how to clean a pond. Okay? But the Town has occasionally gone in and -- "dredging" is the wrong term -- but cleaned ponds, correct?

Paul (Wanzenried)?

PAUL WANZENRIED: Yes.

ERIC STOWE: So it -- it does happen where they do it. They -- and that is why I keep saying the word "obligated." They're not required. It is not our pond that we take ownership of. And when I say "we," the Town takes ownership of and has obligation to clean. They reserve the right to do it in the event it is not done.

MR. GIULIANO: Right.

ERIC STOWE: I don't know of many homeowners, sir, that have the appropriate equipment to go in and do that, so...

MR. GIULIANO: Exactly. That is -- that is why you have contractors do that, but I understand it also costs money. So basically, if it is not up kept in the next 10, 12 years, there is legal recourse for the other houses that own it?

ERIC STOWE: I'm not trying to be difficult, but I can't answer what your legal rights are.

MR. GIULIANO: Got you. You answered my question.

MR. CAMPING: My name is Paul Camping again. I just want to follow up on that. I believe my lot line ends before the pond, so I'm not sure that I would have any kind of obligation to maintain something that is not on my property. So I just wanted to make sure I understood that when it is talked about, that -- that it is up to the homeowners to maintain their property. I think the pond is basically outside of all of the homeowner's properties. So I just wanted to make sure that that was kind of cleared up so we're not asking homeowners to try to maintain something that is really outside their capabilities to do that.

So -- but I do always appreciate development, even if it is going to change the view. I just wish I had known more about it and what this is going to look like in advance before the final vote.

Thank you for having this forum.

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: Additional Board conversation, comments?

MATT EMENS: I guess one thing -- once again, I know we all have our roles here, but I think it is important that the people sitting out here that did just come tonight understand that this is a process. There is a lot of players in this process. But this Board has one specific job to do as a Planning Board and that's review the plans that the developer who owns the property brought before us, his design professionals designed this. They have to be able to make this work. That's their job.

The Town Engineer and the DPW have their role in the Town to look out for the other residents and things that are going to become part of the Town of Chili, the new homeowners that will buy these homes. But this property was already zoned for this. So I get it. Appreciate the fact that -- I think your comment was it is changing your view. I get that. I'm a homeowner, too. But that is what this lot was zoned for many, many years ago before I could probably even sit up here. I don't even know the history on it. But that is what this was for. The eight lots, if I remember correctly from the presentation last month, it could have been a lot larger. However,

the developer chose not to put more houses in here, which would have added to your concerns about traffic. So there aren't -- we don't take things lightly. There are certain things we're responsible for and that we have the ability to affect or change. And it's not all of these things. So I just wanted to say that.

MICHAEL NYHAN: Thank you, Matt (Emens). Very well said. Just one other comment I would like to add to that with a lot of unknown -- that isn't known yet before we vote. A lot of the unknowns are technical items or engineering items. None of us are engineers. That is why we employ a Town Engineer as well as a Commissioner of Public Works. It is their responsibility to review the plans that the engineer has presented and not permit them to move forward until the Town is satisfied that all of these items that are required not only to the Town Code -- not only under the Town Code but other codes have been met.

So when -- when we say we don't have an answer to that or we don't know, the engineer is still reviewing that, these applications are conditioned when we vote on them based on the approval of the Town Engineer and the Commissioner of Public Works and the Fire Marshal and the Building Department. So there's a great deal of work that goes into these after they're reviewed here, that resolve the technical issues, if you will, with the way the homes are built, the -- the elevations, the drainage, the Traffic Safety and every one of those items.

So we look to them, the professionals to do that and we condition it that they review it and sign off so that the Town is satisfied and the developer and the engineer developed a tract of homes that will meet each of the codes that is required.

As Matt (Emens) said, this land is zoned for this development.

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

MICHAEL NYHAN: As far as conditions go, let me make sure I capture from what I have heard. These are the conditions I have so far.

Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department with 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 of the Town Engineer and Commissioner of Public Works.

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

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

Town will require the property owner to enter into a storm water control facility maintenance agreement with the Town to provide proper access easements to the Town. The access easements for the storm water control facility maintenance agreement will be needed to be reviewed and approved by the Department of Public Works and the Planning Board Attorney and then filed at the County Clerk's Office prior to the signing of mylars.

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

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

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

Are there any other Zoning Board of Appeals requirements on this plan, Paul

(Wanzenried), do you know?

PAUL WANZENRIED: I didn't see any.

MICHAEL NYHAN: None.

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

Install streetlight approved by the Building Department to illuminate the intersection of King Road and entrance to the subdivision.

Applicant to seek and receive Town Board approval to remove existing easement agreement in place with the Town that are longer pertinent as a result of this development.

And applicant to provide written reply to each comment from the Town of Chili Engineer.

DAVID CROSS: Just thought we considered having the applicant clean the existing pond to the satisfaction of the Commissioner of Public Works.

MICHAEL NYHAN: You want that as a condition? That's -- the comprehensive --

DAVID CROSS: The pond has not been touched in what, 25 years, Jimmy (Perna)? I mean --

MR. PERNA: We'll clean -- we'll clean out the outflow. It's part of the conditions from the Town Engineer anyway.

MICHAEL NYHAN: The letter from the Town Engineer and emails with the Commissioner will require that.

DAVID CROSS: You have that in there, Mike (Hanscom)?

MICHAEL HANSCOM: (The witness indicated non-verbally.)

DAVID CROSS: Very good. Thank you.

MICHAEL NYHAN: Question or comment?

PAUL WANZENRIED: Back to your condition on the streetlight?

MICHAEL NYHAN: Oh, right. That is in the plans, right? So that is not a condition?

PAUL WANZENRIED: You said something about a streetlight.

MATT EMENS: Need detail on it.

MICHAEL NYHAN: There wasn't any detail on last month's plan for a streetlight, so I put in here a condition to install streetlight to illuminate the intersection of King Road and entrance to subdivision.

However, the plan now has that detail so I believe I can remove that now, correct?

PAUL WANZENRIED: (The witness indicated non-verbally.)

MICHAEL NYHAN: I will remove the install streetlight approved by the Building Department approval. The intersection of King Road and the entrance to the subdivision.

Any other conditions? You good, Paul (Wanzenried)? With those -- with those conditions, application of -- with those conditions, application of James Group Inc., 26 Florentine Way, Rochester, NY 14624 for preliminary subdivision approval of eight lots to be known as Gilead Pond Subdivision at the property located at 160 B King Rd., North Chili, NY 14514 in the R-1-15 zone.

JOHN HELLABY: Second.

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

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. The Town will require the property owner to enter into Storm Water Control Facility Maintenance Agreement (SWCFMA) with the Town and to provide proper access easements to the Town, The Department of Public Works and the Planning Board Attorney and then filed with the County Clerk's Office prior to the signing of Mylar's.
6. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the Mylar's.
7. Building permits shall not be issued prior to applicant complying with all conditions.
8. Application is subject to all required permits, inspections, and code compliance regulations.
9. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
10. Applicant to seek and receive Town Board approval to remove the existing easement agreement in place with the Town that are no longer pertinent as a result of this development.
11. Applicant to provide written reply to each comment from the Town of Chili Engineer.

The meeting ended at 8 p.m.