

CHILI PLANNING BOARD  
November 9, 2021

A meeting of the Chili Planning Board was held on November 9, 2021 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Michael Nyhan.

PRESENT: David Cross, Joseph Defendis, Matt Emens, and Chairperson Michael Nyhan.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; 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 Encounter Church of Rochester Inc. 3355 Union Street, North Chili, New York 14514, owner; for preliminary subdivision of one lot into two lots to be known as Encounter Church Subdivision at property located at 3355 Union Street (Tax ID # 144.08-1-7.121) North Chili, New York 14514 in the RM District.
2. Application of Brickwood Development 28 East Main Street, Rochester, New York 14614, Encounter Church of Rochester Inc., 3355 Union Street, North Chili, New York 14514, owner; for preliminary site plan approval to erect a 40-unit townhome development located at 3355 Union Street, North Chili, New York 14514 in the RM District.

Randy Bebout and Lou Van Epps were present to represent the applications.

MR. BEBOUT: Good evening. My name is Randy Bebout with TY Lin International here on behalf of Kings Crossing Extension, LLC a/k/a Brickwood Homes and also here to talk about the subdivision of the Encounter Church.

I don't know if you want me to speak specifically separately or if I can kind of combine what this project is in its entirety.

MICHAEL NYHAN: It's second. The church will not subdivide if you won't build and you won't build if you don't subdivide.

Before you start Randy (Bebout), we had asked for a few things, engineering comments as well as a traffic study.

MR. BEBOUT: Yep.

MICHAEL NYHAN: And also Michael (Hanscom) received it late today.

MR. BEBOUT: Yep.

MICHAEL NYHAN: We anticipated you would complete those and you would table this until the next Board meeting; is that correct?

MR. BEBOUT: Our intentions would be that I'm going to present the project. I would like to talk about some of the comments and yes, we would table it until the next meeting.

MICHAEL NYHAN: This way we can give you feedback.

MR. BEBOUT: Yes. We did not have any anticipation we would walk in here and get any approvals. That is understood.

MICHAEL NYHAN: Also, there is no signs posted that we saw at the property that there is a Public Hearing on this.

Are you aware of that?

MR. BEBOUT: I was not aware of that.

MICHAEL NYHAN: If you could make sure it does get posted prior -- contact the Building Department. They'll give you the instructions how long it will be posted.

MR. BEBOUT: I'm familiar with that process. I apologize that I didn't ask the question, but I wasn't notified either that it needed to be done.

MICHAEL NYHAN: Okay.

MR. BEBOUT: There might have been a disconnect because TY Lin didn't make the application. The attorney, project attorney made the application. So I apologize for that. We'll make sure that gets corrected.

MICHAEL NYHAN: That's fine.

MR. BEBOUT: The proposal is for -- I will back up. Just before I do that. So with the revised revision that we submitted today -- and very simply, the intent of submitting the letter -- it got submitted much later than I would like to, but I wanted to get it to the Town. Simply we were providing the responses to the comments really in an intent to show that we really don't have -- 90 percent of the things, 95 percent of the things are -- we're addressing, but as a result of

the comments, we modified the site plan and I will talk about those changes that we made so that the site plan has been modified from what was originally submitted to what was submitted to date.

So just a general overview, the project is approximately 40 -- well, not approximately -- the current proposal is 36 units. Originally submitted, it was 41 units so we have removed 5 units and essentially we have pushed the units to the north and to the south and sort of created a center area with overflow parking and open space.

This development is the exact same development as what the original Kings Crossing is, in that it -- these are townhome -- townhome units for rent. This is one entity, one lot currently that is two different parcels. We went into this thinking that it is two parcels. We are still at a point that -- that it is still two parcels and the reason for that is just the financing lending -- I don't know if it is restrictions, requirements, but some of the loan stuff -- I will say that Brickwood Management is exploring the option of combining these into one parcel. So they have been working on that since the middle of last week. They still don't have an answer on that. So I would say the next time we're here or maybe even prior to our revised submission -- hopefully we'll have an answer on that of whether we can combine this into one parcel.

So they're certainly trying to do that. You know, there -- there is certainly some advantages to that. Does it really change anything? No. The biggest thing is it would eliminate the need for the frontage.

MICHAEL NYHAN: So Randy (Bebout), did you say you did submit the revised plan or are going to?

MR. BEBOUT: We submitted a revised site plan. With the email submission today, we submitted a revised site plan.

MICHAEL NYHAN: We haven't seen it yet.

MR. BEBOUT: It is reflected on the board, but yes, the Board hasn't seen it. I was not in the office today. I was supposed to get additional copies of it. Unfortunately, I didn't get it, so I don't have anything to hand out. I apologize.

MICHAEL NYHAN: Okay.

MR. BEBOUT: Again, the same development as the original phase. Private roadways, private utilities. Monroe County Pure Waters has serviced the sewer. We already had discussions with them. They have reviewed our plan and basically said they're fine with the plan. We made a couple of modifications.

Water, we have done a -- sort of an informal submission to the Water Authority. Currently we're working on proposing a connection to Union Square Boulevard which requires an approval from the adjacent owner, which is Morgan Management. Brickwood is working with them to work through that. We're sort of waiting for their response on that. So -- we have not progressed the -- the water design until we know for a fact that that is where we're going to take it.

If -- you know, if the parcels were combined, then that might change how we do water and we might be able to extend from Phase 1 -- I say "might" because we would have to look at it. The original phase has separate water -- separate fire and separate domestic. I was not involved in the original phase, but I believe the reason that was done is because there some low pressures and so the -- the water system does not have a backflow on it, which is the reason it was separated from the fire.

Same with sewer. If we combine the parcels, we might be able to extend the sewer from the original phase. Just a question of whether we have enough depth. At the end of the day, it really doesn't change the project in itself.

So roadways are the same design width as the original phase. It's 20 foot wide with gutters, concrete gutters on either side. We have the hammerhead at the end which meets the requirements of the fire truck, emergency vehicle turnaround.

We propose -- we have our storm water mitigation. We did submit a Storm Water Pollution Prevention Plan, which I believe Lu has done at least an initial review on that and implies there could be some more review comments that come out of it. With this current plan there might be some small adjustments, but, if anything, we probably reduced the impervious area slightly taking away five units. And yes, we did add in parking, but I think there is a slight reduction in the amount of impervious with the new plan.

The new plan does provide for 16 additional overflow parking spaces. Those are located in the center of the development. If we -- the comment in the letter was -- there was a ratio one -- I think it was one additional overflow per unit. That would equate to 18. We couldn't quite get to 18, but we have 16. But I would note that we do have four spaces per unit because we have -- all these units have two-car garages and they have two spaces in the driveway. So we're exceeding the Town Code requirements for parking for each residential unit at the -- at the unit itself and so, you know, we're -- we're a little shy what was requested, but I -- to us, in our opinion, it is sufficient and it is centrally located.

And then also with the revised plan, we have indicated the Open Space. The Open Space requirement was 400 square feet per unit. That equates to 14,400 square feet. I think our open space on that plan, if I remember correctly, is just slightly under that by a couple hundred feet. You know, certainly there is a few more areas of open space, but we like that because it was centralized. It's functional. So we're really close on the Open Space requirements.

Then just probably the other -- probably the main point -- couple main points in the review letter -- I won't go through them point by point. In general, I would say we're going to address 95 percent of the comments. We don't really disagree with any of the comments. They were all good and appropriate. Probably the two bigger things were -- the question about a traffic study

and then the question about maybe twofold, you know, the request to have a secondary means of access, a permanent access and then a question about the proposed emergency access going to the church.

I will start with the traffic study. Again, I know nobody has had an opportunity to review what we just submitted today, but in essence, our traffic engineer took a look at the trip generations for 36 new units in conjunction with the existing 60 units that are there. The new portion of the project generates a maximum of 24 trips per hour. I believe that was in the peak hour. Combining that with the existing trips from the original development, you get a maximum of 57 trips per hour. Typical standard for Monroe County DOT, New York State DOT is generally they don't require a traffic study if you're not generating more than 100 trips per hour. And we're generating 24 trips per hour, the maximum peak hour. 57 is the -- combined of the existing and proposed.

In regards to the emergency access going through the church, I will admit that the plan -- the original plan submitted to the Town was a little vague because we didn't include the striping of the church and that didn't help this Board and the staff understand exactly what we were doing. So the plan that was submitted today and the plan that will be submitted for does have the striping on it. So when we started this project, we had put that in there. Originally, the access didn't line up with the existing drive aisle that was there, so a fire truck would have to come in and make a jog to the left, make a jog to the right to get to the access point gate to get to the emergency access. We have altered that early on and that is what is reflected here still. A fire truck can come in through the church access and it's, generally speaking, a straight shot through the church. There is a little bit of a bend to get from -- on the new access, emergency access drive between the church and the Kings Crossing development, which would propose to be gated. We would propose that we would put signage on that, "No parking," "Tow-away zone," "Fire zone," whatever we want it to say. And, you know, we think that that serves the purpose. It is certainly better than what is there today.

You know, what is there today is an emergency access that was gravel that leads to a gravel road around the church that is -- has -- has grass on top of it, so you almost don't even know it was there. You kind of find it on the original phase if you look at it, but it would be -- it's -- it's not in the best situation and I think what we're doing is really a -- a -- a vast improvement to that emergency access.

You know, we're just of the opinion that with the number of units we have, that a second access point isn't warranted. Our concern about a second access point, you know, whether we go to Union or whether we went to Union Square Boulevard, it's just more pavement, it's more impervious area. It's going to further affect -- require additional storm water mitigation, which, you know, even with reducing the number of units, you know, we have used the bulk of the site for storm water. Just to meet the requirements.

And then there was a -- one of the comments in the -- in the review letter about the depth of the bio retention, that we have to increase that -- you know, that may change that a little bit also.

So -- so that would be our concern of just -- we're trying to minimize the amount of -- of impervious area. This is -- I don't think this is, you know, typical of a development of having this number of units and one access point.

Um, other than that, there was some comments on landscaping. You know, there was a comment that we don't meet the requirement and we'll certainly look at that. We understand what the requirement is and we'll have to modify that landscaping as required.

There was another comment about the location of the hammerhead and the proximity of the north property line and a concern about plowing snow to the end of that.

I guess I would say this. You know, the suggestion was moving that 25 feet from the north property line. The problem with that is, even with reducing -- even with eliminating five units, if we're trying to accomplish overflow parking and open space and trying to find a balance of, you know -- we have to have X number of units to make this project work. We think we're there. And if we move that 25 feet from the property line, we're -- it would cost -- it would end up eliminating another two units which we would really like not to do.

You know, it -- it is our opinion that, you know, when they plow, they can certainly plow around the corner and plow to the ends of the hammerhead just -- I mean to me, that is typical of what happens on street plowing and that typically they don't plow it into somebody's front yard. They will turn the corner and plow around the corner and keep going and the snow ends up in the tree line area.

Here it would end up at the end of the hammerheads. So we have a -- we have approximately 12.8 feet from the edge of pavement to the north property line.

You know, we think that can work. You know, if there was a concern about putting snow on the adjacent property, again, we -- we don't want to do that. I mean, we would consider putting up a fence if that helps the -- the Town have some comfort level or something. But -- and I guess that's -- it is sort of a general overview. So I have sort of talked about the project and talked about some of the highlights and the comments and we -- we do know we need -- if it stays two lots, we do understand we need easements between the two parcels. We will add those to the plans, the revised plans once we figure out the fact if that is what is going to happen.

You know, in regards to the flag, there was a comment that it was only 30 feet wide. That was really an error. Originally, you know, the history of this is we had the flag on the north side at 40 feet wide. The Church preferred that the flag be on the south side with -- with the understanding that we weren't putting anything in the flag. And particularly, if the flag was on

the north side, they don't want to lose the recreational space. You know, the original thought was we would put it on the north side. We would basically grant an easement back to the Church so they would use it as their open space. They play soccer there and other things.

You know then the Church requested that -- say, "Hey, if it is just sort of a paper lot to get frontage, let's put it on the south side."

So there was a comment about a requirement about having to build a roadway in that -- and that we have wetlands and storm water and we understand that. We -- we didn't have intentions of building a roadway and that and if it is the Town's position, if we have a flag, we have to build a roadway, I would say that we would probably seek relief from that -- from that requirement.

There was a comment about bus -- about bus circulation. Currently the buses come in -- the original phase and they go through that -- I don't know the name of the street, but they go through the loop there and they stop there and they pick up and drop off. We believe with this development that -- that will probably stay the same, because the buses likely wouldn't come into the back of this. That they would stay the same and people would get to that front part just like they do today.

The wetland -- there was a comment about wetlands. We did have a wetland assessment done more recently than what was done previously. It was done in -- I believe it was January or February of this year we had the letter done. The field work was done prior to that. So I did submit that today. That will be submitted with a revised submission.

There was a comment about SHPO. We did do a Phase 1A and 1B which determined that there was no impacts and that's been submitted to the DEC.

And a copy of that report will also be submitted with a revised submission. I think with that, I have hit probably the highlights and I can answer any questions that the Board may have.

MATT EMENS: Well, a few things. We have talked -- you're mentioning a letter. I don't have a -- Lu Engineer's letter.

MICHAEL NYHAN: No. There isn't one that we have received. We just received his comments today at 4 o'clock.

MATT EMENS: Okay. Got you.

MR. BEBOUT: We got the Lu Engineer letter last week. We just responded to that late today.

MATT EMENS: Okay.

MR. BEBOUT: I have a copy of it if you would like.

MICHAEL NYHAN: We'll get our copies. We just haven't had time to review it.

MR. BEBOUT: I completely understand.

MATT EMENS: I'm looking at the 40-unit one and you're describing some things that obviously I can't exactly see. So I -- I'm just sort of disadvantaged. I don't know how to help you here by commenting on -- because I don't know what to comment on.

So I guess the only thing I heard you say -- it all sounds great. It sounds like you're making some progress here.

Biggest thing is, you talk about the north and south flag and then just look at that access. I know it generates another issue with a point of access up there, but it just does seem like it's a really long, you know, way back in there if it is going to be connected this way without having a second access. I -- I don't necessarily know that your statement is incorrect or correct, but it doesn't seem that it is that bad. It just seems naturally that, you know, that it would be great to connect it on another side if it is possible. Right? Is it -- is it required or does it have to happen for this to succeed? Maybe not. Right. It just seems it would make sense for it to connect out somewhere. Whether it's Union Square or -- I think Union Square makes more sense because Union Street is going to be tough.

MR. BEBOUT: Yeah. I don't -- we have to get -- I mean other than the aerial and -- and a cursory review, I mean there is some storm water elements at the end that would likely have to be modified.

MATT EMENS: Or prohibited.

MR. BEBOUT: The Union Square Boulevard project, we would have to get permission from them. Again, we're trying to get permission on the water going through there. I don't -- at this point, we don't have a response from them on that, so I don't know, you know, whether they would be receptive to extending the road through there or not.

Again, our preference would be not to do it because it just generates more storm water requirement, but -- and I think that we have proven -- again, you haven't had the opportunity to review it, but I think we have proven that the traffic really results in no impact.

And we did look at -- as part of the traffic -- not only the counts, but we looked at whether a left-turn lane would be warranted. It would not be warranted for this site.

JOSEPH DEFENDIS: If -- if you did connect, would that be gated so that -- I mean I -- I agree that connecting it makes a second point of entry, but then I see that as a big cut-through.

MR. BEBOUT: I think the intention would be if -- if we're connecting, we're not gating that.

MATT EMENS: I think there is limitations with the gating going through the church parking lot. Even the Fire Marshal's comments, I think some of them you can work through, but it just adds a level of risk there and -- in response time, can they drive all of the way down there? Of course they can. But once again, just making sure that it makes the best sense or the most sense.

MR. BEBOUT: I guess going through the church is -- it shortens the distance. That is the key point here.

MATT EMENS: I think just the logistics if that gate is locked, who is plowing it? Because now it is not plowed. Now you have a fire truck in the middle of winter that has an access point that is not an access point. It is -- devil is in the details.

MR. BEBOUT: It would definitely have to be maintained.

MATT EMENS: Can it be worked out? I'm sure it can, but we have to make sure --

MR. BEBOUT: Which my point is what we're proposing is much better than what is there. I can't speak for 100 percent certainty, but pretty confident to say the gravel path there now in the winter is not maintained. We're proposing that to be paved in so it can be plowed and it can be maintained.

MATT EMENS: Then the only other thing I noticed, and this is in the set of plans dated 10/6, is the trees -- it looks like there is only -- there's very limited landscaping.

MR. BEBOUT: Yes.

MATT EMENS: Obviously you have not been to the Conservation Board or Zoning.

MR. BEBOUT: That was one of the comments so we know we need to address the landscaping.

MATT EMENS: I guess at this time, that's all I really got.

MICHAEL NYHAN: Okay. While we're on the other committees, in addition, the Architectural Advisory Committee, bringing -- going to them to show elevations what the buildings are going to look like.

The other thing we don't have are any of the floor plans so we can't see what kind of storage is going to be for each building.

MR. BEBOUT: These units have basements for storage. So I have the elevations with us tonight. Again, those would be submitted with the revised submissions. These are, for all intents and purposes, identical to the other Brickwood properties, which is Ivy Bridge and Brittany Woods in Webster.

Is there a few more, Lou (Van Epps)?

MR. LOU VAN EPPS: And Kings Crossing.

MR. BEBOUT: The original Kings Crossing. Obviously.

MICHAEL NYHAN: And on your traffic study, I didn't have time to read it, but it looks like it was dated April 20th, 2007.

MR. BEBOUT: That was the original traffic study. That was the traffic study for the original development and what our traffic engineer -- she referenced that and then added to it the traffic for this additional development.

MICHAEL NYHAN: Okay. And what -- there is 60 units in that original development?

MR. BEBOUT: Correct.

MICHAEL NYHAN: Plus the 36 you will be adding?

MR. BEBOUT: Correct.

MICHAEL NYHAN: There is a number of other developments in the area. So what we're also looking for is your trip generation relative to all of the other development in the area, just to the north of you, the apartments that are going in. Just down King Road, there is two developments going on down there. So there is going to be more -- we're current -- the trip generation of traffic today relative to the 96 units that you're going to have coming out that one street onto Union, that's what we're looking for. Taking into consideration the build-out of those other projects that we have going on in the area. Because that's all going to generate additional -- additional traffic.

MR. BEBOUT: So have those other developments completed traffic studies?

MICHAEL NYHAN: They did, but yours wasn't in there. Hubbard did complete a traffic study. So that's what we're looking for, the information, traffic study to be added to this, as well, so we can see a complete picture what the traffic will look like in that area. Especially Union Street/King Road, we already have complaints where cars queue up 8 to 10 or 12 cars back where they try to enter Union Street from King Road.

MR. BEBOUT: Okay. I will work with Dave and get that information.

MICHAEL NYHAN: Okay. And we already touched on the landscaping. You will be submitting a landscaping plan to our Conservation Committee. Okay.

The Open Space, you addressed that. That is on your new plan?

MR. BEBOUT: Yes.

MICHAEL NYHAN: There is a lot of things we'll have more questions once we see the new plan.

MR. BEBOUT: To be very frank, we thought it was worthwhile to get in front of the Board and get some feedback. Most of the things we have no issues with. What I would like to walk away with is are we on the same page as far as access and some of the other bigger things or where are we headed with that so when we submit revised drawings, we're submitting something we can hopefully move forward with.

MICHAEL NYHAN: We'll give you that feedback as best we can with the information we have.

Also snow storage, there wasn't anything on the old plan. Do you have space for snow storage?

MR. BEBOUT: We have indicated that on the current plan.

MICHAEL NYHAN: You have indicated that. Okay.

The Open Space, sidewalks you have addressed, as well?

MR. BEBOUT: Sidewalks, there is no sidewalks in the original phase. The intent would be for the developer to contribute to the Town's fund.

MICHAEL NYHAN: The sidewalk fund. All right. Garbage collection, individual units or dumpsters?

MR. BEBOUT: Individual units.

MICHAEL NYHAN: These are all two-car driveways, two-car garages; correct?

MR. BEBOUT: Yep.

MICHAEL NYHAN: Storage each unit, basements, you will have enough storage to meet their requirements?

MR. BEBOUT: Yep.

MICHAEL NYHAN: Architectural, you already mentioned you will be bringing those in. Guest parking, I think you said you addressed 16 spaces; is that correct?

MR. BEBOUT: Yes.

MICHAEL NYHAN: That's on the new plan.

MR. BEBOUT: Yep.

MICHAEL NYHAN: Is there an on-site maintenance person that lives there or somebody that manages the complex?

MR. BEBOUT: So there is -- Brickwood --Evan VanEpps -- I apologize. I did not introduce Lou VanEpps sitting behind me. He is with the development team. Evan (Van Epps), his brother is -- manages this property; is that correct? Or do you have somebody else?

MR. LOU VAN EPPS: We have a Property Manager. Her name is Darvey. She manages -- she manages all of our properties. It's our intention to build an office out there and she will be stationed there.

MR. BEBOUT: I don't know if the Board recalls, but there was an approval for an office building on this site, office/garage which is in the Phase 1 area.

MR. LOU VAN EPPS: Yeah.

MR. BEBOUT: So it is their intention to build that and eventually that would be the office of where that individual would be located.

MICHAEL NYHAN: You have that on the new plan, right?

MR. BEBOUT: We don't have it on the new plan, but we are going to add that. There is a separate set of approved plans for that but we will add that to this plan.

PAUL WANZENRIED: It's a separate parcel, so they will need to make a Planning Board application for that parcel because the approvals for Phase 1 mandated that there was a life-in person on-site.

MR. BEBOUT: Correct.

PAUL WANZENRIED: Which I don't believe has happened.

MR. BEBOUT: It has not happened, and I'm not involved in the conversation, but I know Mark VanEpps had discussions with Dave about that. So I don't know where that will go. I don't -- I don't believe it is the intent for that person to live on-site. It is really not practical. But we'll -- I guess we'll have to work through that. But you mentioned it would need a separate application, because we already have --

PAUL WANZENRIED: You have approval for that. For a garage.

MR. BEBOUT: Garage/office.

PAUL WANZENRIED: I will have to look, Randy (Bebout), and see if there was an office in that.

MR. BEBOUT: I wasn't involved, but I believe there was an office space.

PAUL WANZENRIED: I remember the garage. That being said, I could be wrong. We'll look into that. If that is the case, though, you would need to come back and amend that condition.

And correct me if I am wrong, Eric (Stowe), you would need to come back and amend the condition that mandated that they had that person on-site?

MR. BEBOUT: Yes.

PAUL WANZENRIED: That's what I meant by the application.

MR. BEBOUT: Got you. That was part of the original Kings Crossing application.

PAUL WANZENRIED: That's correct.

MR. BEBOUT: Not the garage application.

MICHAEL NYHAN: And your -- your flag lot, is that 40 foot --

MR. BEBOUT: It would be, yes.

MICHAEL NYHAN: Okay.

MR. BEBOUT: That was just an error.

MICHAEL NYHAN: All right. I think that's all I have for now. For feedback.

Oh, other than -- we have talked about Union Square and having an easement or getting access to Union Square -- I would reiterate that to try to get that second means over to Union Square for several reasons. Not just even access, but moving the traffic to both roads, you know, in different locations. Union Square and your current access there on Union Street at the original location.

Also, the setbacks on this, will they be 30 feet? Is that what you're asking?

MR. BEBOUT: Yes. We do have variance application in for the buildings to be set 30 feet from the private roadway. We meet all of the setbacks from the property line itself. We just don't need the setback from the private roadway.

Again, what we're proposing is what was consistent with what was approved in the original phase.

MICHAEL NYHAN: Yeah. We haven't -- I don't recall how that got done. We haven't approved any 30 foot setbacks that I recall. In fact, just down the road, last month we

approved -- made a movement of 40 feet off the private drive. This will be a private drive, correct?

MR. BEBOUT: Yes.

MICHAEL NYHAN: We had them move those back to 40 feet.

MR. BEBOUT: I can tell you that we physically couldn't do that on this project.

MICHAEL NYHAN: Unless you had more land.

MR. BEBOUT: Unless we had more land and I know the church -- the church engineer was groveling a little bit because they're looking at something potentially in the future and he thought we took more land what than what they originally thought they were maybe going to take.

MICHAEL NYHAN: Let them know that.

MR. BEBOUT: They know it, but -- you know, I mean -- particularly on the north end. I mean we're -- we did have -- it was pointed out our rear setbacks against the apartments on Union Square is 30 and not 40, but even if you gain that 10 feet, we don't have the room -- we couldn't get 40 foot driveways on both sides.

MICHAEL NYHAN: Unless you had more land.

MR. BEBOUT: Unless we had more land.

MICHAEL NYHAN: That's what we're getting at. If you had more feet.

Then I just reiterate the emergency access through a church parking lot, we would need to know the logistics how would the gates be locked? If they're locked, how would a plow be able to plow them and the Fire Department, at the same time, be able to unlock to use that?

Also going through a parking lot, there is absolutely no control over how people park in that parking lot, especially if there is something -- they have other plans for that area. And they increase the parking lot even -- or they even change the way it is striped or designated. We're relying on --

MR. BEBOUT: Did I ask that question?

MICHAEL NYHAN: -- a totally separate entity to maintain a clear path all of the way back from Union Street to that emergency egress road.

MR. BEBOUT: Sorry I interrupted.

I did ask the question of the engineer if there was any intentions to change the existing layout and the answer was no, there is not.

MICHAEL NYHAN: Right now. Again, they have future plans for the property, that is what I'm getting at. It doesn't have a comfortable feeling knowing they have to change things. They can put a gate up to Union Street if they wanted to, right? Now you're relying -- you're relying on a totally separate entity that you're not related to whatsoever to provide that emergency access at all times.

Just another concern and I will raise that now. Which makes that roadway to Union Square much more attractive to be able to do that than relying on a church parking lot to be able to provide you with the access you may need.

MR. BEBOUT: I would say if we were going to move forward with the access point we have with the church, we would be looking to get an easement. We have to get an easement for that through the church parking lot which would lock down the location of that.

PAUL WANZENRIED: That easement would extend from Union Street back, right?

MR. BEBOUT: Yes. Yep.

DAVID CROSS: Just a couple of things, Randy (Bebout). I -- I guess I -- I echo the concerns about the secondary access. I have a much stronger opinion that it's needed, though, particularly out to Union Square Boulevard. I think you really have to work on it. You're less than 200 feet away. 96 lots is a lot, in my opinion, to be on one access that's only -- I don't even think it is 30 feet wide off of Union Street. Again, I -- I feel very strongly about that. You would need this flag out to Union Street. You wouldn't need this cross-access easement out to the church. And I think it shouldn't -- it should not only be for vehicles but pedestrians out to Union -- Union Square Boulevard.

MR. BEBOUT: Is there sidewalks at Union Square Boulevard?

DAVID CROSS: Yes, there are.

PAUL WANZENRIED: North side.

DAVID CROSS: On the north side.

The sidewalks, in the Phase 1, I mean -- so you said there are no sidewalks, right? I see some lines on this -- on one of these drawings here, Randy (Bebout). I don't know if they're like asphalt, like sidewalks within the common areas.

PAUL WANZENRIED: Gutters.

MR. BEBOUT: Those are gutters. There is no sidewalks.

PAUL WANZENRIED: There is no sidewalks.

DAVID CROSS: I mean, the development that we approved to the -- to the west -- forgot the name of it -- my apologies -- we asked for sidewalks in there. Yep. We did.

And I would also echo the concern about 40 feet, to have 40 feet. And -- you would need more land from the Church, but basically, you would have to move that -- that 30 line east 20 feet. So I think that is reasonable. But that's where I'm at with it.

MICHAEL NYHAN: Anything else?

ERIC STOWE: One of my questions was answered. For this emergency access over the parking lot, that you intend to get an easement to prevent future growth to the north of the structure, right, that would not block your access?

MR. BEBOUT: Yep.

ERIC STOWE: And you have got that hammerhead in the -- in the Sewer District easement?

MR. BEBOUT: Yes.

ERIC STOWE: Is there a release from the Gates-Chili Ogden Sewer District for that?

MR. BEBOUT: We submitted the plans. We'll make sure that they're aware of that, but it's not -- I just did another project where we have roadways on top of their easements and I don't think it is uncommon. It -- accepting the fact if they have to work on their sewer, then the private roadway would be obviously disturbed and -- but yes. We will coordinate that with them.

ERIC STOWE: Would be looking for some sort of written confirmation they're aware of it.

MR. BEBOUT: Yep.

ERIC STOWE: That they have no objection subject to -- they're -- their easement not terminating or anything else. But that's all -- I say that.

You got a storm water crossing over on the south line of your parcel?

MR. BEBOUT: Yes.

ERIC STOWE: If those stay separate parcels, you're doing drainage easements for that?

MR. BEBOUT: Yep.

ERIC STOWE: Okay.

PAUL WANZENRIED: Did you say you were working on the hot box?

MR. BEBOUT: Rick Wood was reached out to Morgan Management seeking easement/approval to be able to install that out to Union Square Boulevard. We're waiting for a response.

PAUL WANZENRIED: How wide would that easement be?

MICHAEL HANSCOM: 20 feet is shown in the plans.

MR. BEBOUT: Pretty standard.

PAUL WANZENRIED: I assume the plan you submitted this afternoon, Randy (Bebout), shows lighting in the -- in the complex? I think there is lighting in the existing Phase 1.

MR. BEBOUT: The original plan shows it, but we didn't have photometrics on it. There was a question about adding photometrics. The lighting will be consistent with the original phase.

PAUL WANZENRIED: Those elevations, are those -- is the concept changed to all one-stories?

MR. BEBOUT: No. There is a mixture.

PAUL WANZENRIED: Still a mixture of two and one.

MR. BEBOUT: Two-story and one-story. It is split just about equally.

MICHAEL NYHAN: I take it the A section is two-story and the B section is one-story?

PAUL WANZENRIED: I think, if I remember, the As were south and the Bs were north.

MR. LOU VAN EPPS: The Bs are ranches, one-stories.

MR. BEBOUT: The Bs are ranches and the As are two-story. Correct.

This is one view. Ivy Bridge. That is matching this elevation there. This is reflecting more units than we will have. We'll only have four units in a grouping.

MICHAEL NYHAN: That is what the two-story would look like.

MR. BEBOUT: Yes.

PAUL WANZENRIED: What is the average size square footage for a two-story and for a one-story?

MR. BEBOUT: I think I have it on the plan. You might not be able to read it.

MICHAEL HANSCOM: On the plans, he states that the two-story town homes were approximately 1164 square feet. One-story ranches of 1,557 square feet.

PAUL WANZENRIED: They're all three-bedrooms?

MR. LOU VAN EPPS: The ranches are two-bedrooms and the two-stories are three-bedrooms.

MICHAEL NYHAN: Any other comments?

PAUL WANZENRIED: No. I'm good now.

MICHAEL NYHAN: I think at this time we'll open the Public Hearing so you can hear comments from the audience.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Where to start? My list is long.

Number one, though, I just heard this gentleman say they came tonight to get feedback from the Board. This Board cannot give anybody feedback when they don't have any information until its handed to them the day of the meeting. You know, nothing seems to change here with that. I have made this same complaint many years ago and I have said it over and over. There is deadlines. Don't these developers understand deadlines? You don't have a crystal ball. The people up here try to do a very good job and they don't have the information to work with to make decisions.

Now, I -- he said he doesn't expect a decision tonight, but there is a lot of problems here. I hear it from the Board. I certainly see it myself. This has been on the agenda how long? This didn't get put on last week. You know, with that much notice, where does the ball get dropped here? Is it our engineer doesn't get to their engineer? They just didn't get going in time? What happens that you don't have the information you need? It's a waste of your time. And I think



it's -- it's -- I would be very frustrated if I sat on that Board and I was asked to make decisions and give recommendations when I didn't have anything to work with.

So I guess I would like an answer to that. Why -- why does this happen? Is it a fault of our engineering firm not getting to theirs? It sounds like Lu Engineers didn't move fast enough?

MICHAEL NYHAN: No. We just didn't get the information in time to have it to all of us tonight.

MR. BEBOUT: Revised information.

PAUL WANZENRIED: Revised. Revised information.

MICHAEL NYHAN: We had original information, but it has since been revised. So those comments hadn't come out until late today which is why we're not voting on this tonight.

MS. BORGUS: About -- about this snow storage now. That snow isn't going to just sit there. I mean, assuming there is a place to push it on this hammerhead -- and it looks pretty tight -- there's a lot of snow to put in a small area. But it isn't going to sit there and not melt. So where is that water going to go when it is no longer snow? I don't know who can answer that.

MICHAEL NYHAN: Once we get the final plans, the engineer will be --

MS. BORGUS: Once you get the information you need, you will be able to work. I understand.

About this -- this entrance coming -- you know, using the whole project to come out the one entrance that exists now for Kings Crossing, I don't know if anybody on this Board or the people working on this -- you know, from the developer's standpoint have ever come down Union Street like I have and all of a sudden you see the nose of a school bus sticking out of that driveway. There is so much junk around that -- that intersection there. The bus driver can't see anything until he gets right out in the road and I know there was a school bus accident on Union Street not very long ago and when I heard that there had been an accident, my first thought was that driveway. That entranceway. Because it's not safe to have school buses coming in and out of that -- out of that spot even for the number of -- of units that existed in Kings Crossing, let alone adding on. It's totally, totally inadequate for school buses to come in and out. It's not safe. It's not safe.

And they talk about traffic studies and I guess, you know, they obviously need to update whatever they have done and include the planned projects that are on the drawing board now.

As Mr. Nyhan pointed out, you can't just look at what exists today when you know what is coming down the pike. You have to put that all in the mix and it will make a big difference, I think. And also, you know, you talk about what -- what is the standard for County roads for the number of cars and trips. This is not your average County road. This is Union Street. This is not your average spot. The traffic on Union Street is very, very, very heavy. This is -- this isn't some back woods County road. This is Union Street and that makes a big difference here. You can't paint the whole thing with one brush. It doesn't work. So the traffic study, I think, has got to be a very, very strong sticking point here.

Now, where is the drainage for this project? Maybe I could be shown that on the map. There is a pond, I assume, somewhere?

PAUL WANZENRIED: South side.

MICHAEL NYHAN: South side.

MS. BORGUS: It looks very small. And if that was enough for just -- for this one unit, what is going to happen to all of the extra water they will have with more units? Their drainage just doesn't seem to be -- just from my eye-balling it and it doesn't look like it is very sufficient.

And now on this office for the Property Manager, I'm assuming one was supposed to be put in the original Kings Crossing and it never happened? Is that what I'm hearing?

MICHAEL NYHAN: Correct.

MS. BORGUS: All right.

MR. BEBOUT: That's not -- I don't believe that is correct. The -- the original Kings Crossing did not have an office building. There was -- he can correct me if I am wrong, there was a requirement that somebody lived on the site. And managed the property.

MICHAEL NYHAN: Which wasn't done, correct?

MR. BEBOUT: That's correct.

MS. BORGUS: That didn't happen.

MICHAEL NYHAN: Thank you.

MS. BORGUS: They got a final approval from the Town without following the rules?

MICHAEL NYHAN: Well, they had the final approval before the project ever started. It was a condition.

MS. BORGUS: I guess what I'm saying -- asking, there was no follow-up on the Town -- by the Town's part?

PAUL WANZENRIED: Yes.

MS. BORGUS: Yes?

PAUL WANZENRIED: Yes.

MS. BORGUS: Yes what?

PAUL WANZENRIED: You are correct.

MS. BORGUS: It didn't happen.

PAUL WANZENRIED: That is correct.

MR. LOU VAN EPPS: I'm sorry to interrupt --

MICHAEL NYHAN: We'll let her finish, please.

MS. BORGUS: Again, there are too many people dropping balls here. That project is not that old. I mean, we just can't give somebody final approval and say at the end, "You're done."

Okay. We have a checklist and you checked it off and here you go. You're good to go."

It is not the way things go. That is how you get in a mess.

Now, this 20 feet from the property private drive, they say -- there is 20 feet from their private drives and the Town would like 40 as they have approved on other projects recently, am I right?

MICHAEL NYHAN: You're talking about the setback from the road?

MS. BORGUS: Yes. The setback from the road.

MICHAEL NYHAN: They are asking for 30 and they mentioned 40.

MS. BORGUS: 40 has been insisted upon with other recent projects?

MICHAEL NYHAN: Correct.

MS. BORGUS: I don't know of any projects recently in Chili, this type of a project that hasn't required sidewalks. I mean, sidewalks are a big part of the -- we want in the Master Plan. So I can't imagine how they're going to get by without sidewalks.

I mean, you rent three-bedroom units, you obviously expect some children. Not that children are the only ones that get struck by cars, but you -- you -- you can't expect people to come home and drive up to their door, go inside of their house and never come out until they get back in their car again. They do want to exercise and may want to walk around. I don't know how many -- 90 some of these units are going to walk in the street now and hope they don't get hit? No. You need sidewalks here.

Okay. I -- as far as the entryway, going across church property, that is just fraught with all kinds of problems and the Board, I hear it. You recognize that. It's all well and good to say you're going to get an easement and everything, but in the winter, who -- we have a snowstorm. We have a fire. Who says -- who says that that is going to be plowed so you can get across it even if you had an easement there? And even if you had an access point, it doesn't do you any good when you have 3 feet of snow. I don't know who -- if you have no Property Manager on-site, I don't know how anybody is going to know they need to get out and plow it for safety purposes. This is a big unit not to have anybody on-site. And to have one -- one person responsible for all their developments, wherever, I mean that didn't even -- it's not reasonable.

You -- you can't have one person -- as I understand it, they have one person in charge of property management for these different developments. One person, it's not possible to do that. It's going to be hit and miss. I -- that is disastrous right there.

Again, no signs were posted evidently for tonight. Again, technically, this Board shouldn't have met even and discussed anything with these people without those signs being up. Not with this -- not with the way this public notice was written. So -- but as it is, we'll -- maybe they will learn their lesson and get their signs up the next time.

And now we're hearing that that hammerhead is on a sewer easement?

MICHAEL NYHAN: Correct.

MS. BORGUS: You know what this all comes down to? The same thing over and over and over. Developers want to put a quart in a pint bottle. There is just not enough land here for what they want to do. And the fact that they can't cut this or this or this anymore and make it profitable is not the problem for this Board. And it is not the problem for the Town. If it isn't big enough, it's not big enough. If it is not profitable, then it shouldn't be done. That's easy. So I frankly get very disgusted when I hear that excuse, "Well, we just can't do any better so you have to settle for what we're giving you."

No, we don't. We don't. And I feel very, very sorry for the people who have to sit here and try to be intelligent and make good comments and know what is going on when they're not given anything. You people have nothing to work with tonight. Nothing. But a lot of promises. So I feel sorry for you. Because you shouldn't be put in that position. Thank you.

MICHAEL NYHAN: Not seeing anybody else in the audience, I will leave the Public Hearing open.

Randy (Bebout), you're going to request to table this?

MR. BEBOUT: Yes. I guess I just have one question. Maybe the Board can educate me. Maybe the Side Table can educate me just so we can talk intelligently when we leave here.

The maintenance person on-site, I don't know, I have been doing this a long time, about 28 years and I don't know of any developments where there's a maintenance person living on-site. I don't know if that is a -- I mean, obviously that was a requirement for the Town at one point, but is that currently happening on -- on current projects? The projects you're referencing, are -- are they going to have maintenance people living on-site?

MICHAEL NYHAN: I -- all I can say is that there was a condition --

PAUL WANZENRIED: Randy (Bebout) --

MICHAEL NYHAN: -- a condition on the original project that required an on-site management that the developer agreed to.

MR. LOU VAN EPPS: If you don't mind, if I can comment on that?

MICHAEL NYHAN: Sure.

MR. LOU VAN EPPS: So whether the -- when the project -- there was originally an on-site manager for a number of years. I know because at the time she was on the left-hand side of the ranch. Her name was Sharon Clark. And she had since retired and I just don't think that position for whatever reason has been backfilled or anything. So I can't really comment on that.

But there was an on-site manager that lived on-site for a number of years. And -- and just one more comment.

As far as a -- one Property Manager for all of the properties, that Property Manager doesn't work alone. She has a maintenance staff underneath her and a number of assistants that work

underneath her. So cleaning people to flip the units and maintenance people to handle whatever issues that the tenants have. And all those resources for the maintenance staff are kind of pooled together for all of the properties that we manage.

MICHAEL NYHAN: Okay. Thank you. Anything else, Randy (Bebout)?

MR. BEBOUT: The only other comment I have, and it's a great point that was brought up, we will certainly make sure that Monroe County Pure Waters is aware of the hammerhead on top of the easement, but if we're talking about a secondary means of access, that will be on top of the easement also. Again, I don't think it is uncommon. I do a bunch of projects and there is roads --

DAVID CROSS: You just got to rip it up.

MATT EMENS: Foundations.

MR. BEBOUT: There is no structures in the easement. Just pavement.

MATT EMENS: But to Eric (Stowe)'s point, there are easements that have stipulations that no easements are allowed. It's just a confirmation.

MR. BEBOUT: Understood.

MICHAEL HANSCOM: Excuse me, Randy (Bebout). The 30 foot easement to Pure Waters, does that extend all of the way to Union Square Boulevard? It is not really showing on --

MR. BEBOUT: I would assume it does, yes.

MICHAEL HANSCOM: One thing, also talking about with Pure Waters, is that water easement you're looking for would also be -- looks like it would also be laying over the top of that sewer easement.

MR. BEBOUT: That's correct. We haven't -- I mean, we submitted our plans to Keith Dyer, Monroe County Pure Waters. He reviewed them. I will double back to make sure he understands what we have there and maybe he missed it, but we'll get documentation on that. And along with -- again, the water -- I mean, we haven't finalized the design of the water because I don't want to do it if Morgan Management says, "No. We won't allow you to connect there."

We're just waiting for that confirmation and we can move that forward and coordinate on the overlapping easements if that is what occurs and so forth.

MICHAEL HANSCOM: Okay.

MICHAEL NYHAN: Anything else? Okay.

MR. BEBOUT: Okay.

MICHAEL NYHAN: Did you want to make a motion -- or request to table this?

MR. BEBOUT: Yes. I would ask or request that the Board table this until the December meeting.

MICHAEL NYHAN: I make a motion we table this until the December meeting.

MATT EMENS: Second.

DECISION ON APPLICATION #1: Unanimously tabled per the applicant's request, it has been moved to the December 14th, 2021 meeting. Public hearing has been left open.

DECISION ON APPLICATION #2: Unanimously tabled per the applicant's request, it has been moved to the December 14th, 2021 meeting. Public hearing has been left open.

MICHAEL NYHAN: The meeting minutes from last month. Motion to accept the meeting minutes from last month?

Michael Nyhan made a motion to accept and adopt the 10/12/21 Planning Board meeting minutes, and Matt Emens seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 8:05 p.m.