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CHILI PLANNING BOARD
December 13, 2006

A meeting of the Chili Planning Board was held on December 13, 2006 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 James Martin.

PRESENT: Karen Cox, John Hellaby, Dario Marchioni, John Nowicki, Jim Powers and Chairperson James Martin.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town; Jeron Rogers, Director of Engineering/Planning; Dennis Scibetta, Building & Plumbing Inspector; Pat Tindale, Conservation Board representative; Fred Trott, Traffic Safety Committee representative; David Lindsay, Town Engineer representative.

Councilman Schulmerich, Planning Board liaison, was also present.

Chairperson James Martin 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 Sonbyrne Sales/Byrne Dairy, owner; 171 Rte. 5, Weedsport, New York 13166 for renewal of conditional use permit to allow a grocery store with fuel pumps at property located at 3771 Chili Avenue in N.B. zone.

MR. BROWN: Good evening. I'm Christian Brown representing Byrne. I am the Chief Operating Officer for Sonbyrne Sales and Byrne Dairy. I was in front of you guys. A lot of you look the same. I hope I look the same.

KAREN COX: He is laying it on thick now.

MR. BROWN: I did then, too. At least I'm consist. I'm here for conditional use permit for the Byrne Dairy store on the corner -- every one knows, on Chili and Union. We've been there three years. Hard to believe three years. Surprised to get the mail, it was up. I'm in front of the Board to address any concerns.

I think we have been great asset to the community. We sponsored some local soccer teams. We have a lot of positive comments from the community. We employ 16 people currently, 5 full-time, 11 part-time. We have had really no concerns up there. Any concern discussed before with Dan Kress and with Dennis (Scibetta) or anyone else. But not to my knowledge, we have had no concerns up there.

I would request -- I know you go three years with special use -- or conditional use permits. I was wondering if we could go five years or even possibly more. That is up to the discretion of the Board. I realize that. So I guess -- I have my site plan here if you want to address any issues.

JAMES MARTIN: Why don't you put it up on the easel?

MR. BROWN: Okay.

JAMES MARTIN: We would like to refamiliarize ourselves with the location.

Mr. Scibetta, have there been any complaints recorded on the operation of the Byrne Dairy that you're aware of?

DENNIS SCIBETTA: There were some minor ones that were addressed immediately. I believe it was in the first year, they had Christmas trees and that. Christian (Brown) addressed that. A couple minor reports that we're aware of, but other than that, no.

JIM POWERS: Is there any reason for the picnic tables out alongside the sidewalks up there?

MR. BROWN: Yes, for customers to sit down with our dipping operation, which is our soft serve ice cream. People get the ice cream cone and they sit under the porch out of the weather. That is why they sit on picnic tables.

JIM POWERS: Your original use permit, were those picnic tables part --

MR. BROWN: Yes. We would have an outside dipping window. I'm 100 percent positive we did discuss it. We would use those picnic tables with the outside dipping windows.

JIM POWERS: Last night we had an applicant here that agreed to keep the sidewalk area of their particular place of business clear of products or whatever, retail product, et cetera. Would you be willing to do the same at Byrne Dairy, remove things?

MR. BROWN: I really wouldn't, because I think it is a benefit to the customers. I really do. Our porch is probably unique in that it is 12 feet. Standard sidewalk is 5 foot. Ours is 12 foot. It is covered. I think the parents and the kids like to get their ice cream and sit at picnic tables. It keeps them out of the parking lot. It is safer to sit at a picnic table than out by vehicles.

JIM POWERS: Wintertime?

MR. BROWN: We don't use them in wintertime.

JIM POWERS: Will they remain outside during the winter or do you store them inside?

MR. BROWN: We have no plans of moving them. We can move them if that is what you would like. But if it's nice weather or somebody wants to take a sandwich outside on a 50-degree day and eat it there, they can do it. If it is a concern, I can consolidate to it a certain area.

JOHN NOWICKI: I see people there with coffee.

MR. BROWN: Coffee. Donuts. I never had any issues with them.

JIM POWERS: The only reason I brought it up is the applicant agreed to keep the area clean, and --

MR. BROWN: I have think it has been very clean.

JIM POWERS: I mean nothing outside. You evidently plan on continuing to use the outside?

MR. BROWN: Yes.

JAMES MARTIN: The discussion was primarily focused on outside display, storage and sales. I will use that word -- of retail-type items that were not related to the gasoline or other fuel facilities on the site. And if I recall, when you were first before us, and we went through the application, discussion, that question came up, and I believe we were told that there would be negligible outside porch items.

MR. BROWN: The discussion -- I know a couple other Board saw Amish-made furniture at our other ones in Waterloo. If you notice in the last three years there has been none of that here. We specifically told them out of our 57 stores, more than half have the Amish-made furniture we sell. This one we did not do because the Board said so. We thought it would be excessive.

The Christmas trees slipped through. That is why as soon as I was contacted by Mr. Kress at the time, we immediately stopped that. So sales, we don't --

KAREN COX: Excuse me. I tend to -- I probably stop there three or four times a week.

MR. BROWN: Hope you been treating her nice.

(Laughter.)

KAREN COX: Well, I don't buy the gas there, but...

MR. BROWN: Everyone else does in Chili.

KAREN COX: The side of the building that I usually go in is on the Union Street side. So I don't pay a whole lot of attention to the Chili Avenue side. I guess we heard last night that there has been some outside sales of soda or whatever. Last night when I stopped by, there was a small display of windshield washer fluid, and I think a couple bags of rock salt.

MR. BROWN: Yes. That would be typical.

KAREN COX: Other times of the year have you had -- you know, soda displays?

MR. BROWN: There may have. Christian (Brown) could answer. It is tough to control the reps. We try to do a good job. Different areas, we can tell them until we're blue in the face not to, but if they drop it there -- it would be up to Christian (Brown) to tell them not to. But not to my knowledge.

KAREN COX: On the picnic tables, I understand people use those a lot. I don't have an issue with that. That was the only question.

MR. BROWN: If anyone brought it to my attention, I would immediately take care of it.

JOHN HELLABY: I don't have any problems per se. I think you run a clean operation down there. I will mention on the outside sales, unfortunately I don't have the original list of conditions in front of me. I would like to see some sort of language put in there to tighten it up just a little bit as far as outside sales. Again, I can't verify the fact, but there was mention made last night that possibly one time a year or so ago you had somebody in there taking dents out of a car as a demonstration-type thing on a weekend. I don't know. It was just something that was thrown on the table.

MR. BROWN: It's news to me.

JOHN HELLABY: I would like the language tightened up a little bit. I don't have a problem with the ice cream outside sales and the tables being there and whatnot, but again, I just don't want you to get carried away with the soda displays. The --

MR. BROWN: Not a problem. We want to keep it clean, as well.

JOHN NOWICKI: I like the operation myself. I have used your tables. I have purchased your gas. You seem to keep the landscaping on the property well maintained. I think if you keep the outside sales under control and not get carried away with it, I think the community would still find that acceptable. Other than that, I have no questions.

MR. BROWN: I thank John (Nowicki). You brought me into the dark sky lighting. Since then I have built nine Byrne Dairies and every store has the same lighting as Chili. I spec it for all my stores now. I'm in front of Town of Sweden now and I used it. I said the Town of Chili told me to do it. So thanks, you saved me a lot of time and headache.

DARIO MARCHIONI: I think you have some good coffee there. The only complaint I got is the price of the gas.

MR. BROWN: It's too cheap, right?

(Laughter.)

KAREN COX: It was fun watching the price wars with you guys across the street.

MR. BROWN: Competition. We told you that.

DARIO MARCHIONI: Glad to have you in Chili.

MR. BROWN: Thank you.

JERON ROGERS: A homeowner on the south side of Union Street, the same side that your store is located, did they complain about a drainage issue to you?

MR. BROWN: Mr. Rule (phonetic) did -- the second house down?

JERON ROGERS: Yes.

MR. BROWN: He did. I know he met with you, Jeron (Rogers) and Dennis (Scibetta) real quick, and DD's engineer has a proposal to come in there -- what happened was when -- I don't think the drainage was a big problem until the County came in and supposedly fixed the road. That is when he started getting some problems with his yard washing out. But I do have a proposal from DD's Engineering and Constructors, who did the site work, will come back and put some more cobbles in to address that.

JERON ROGERS: He is satisfied with that?

MR. BROWN: Mr. Rule (phonetic) is satisfied. I met him on site. Drove up and met him with my engineer. He was more disappointed, to be honest with you, with the County, and I think he addressed that with you guys. They caused some problems with the roads, but yes, he is very satisfied.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I take exception to the fact that these gentlemen call the problems they have had down there minor and small. They are not minor and small. I was here every time that this company came in for their building -- their building permit, their approval and their conditional use permit. They -- they have stated and they passed it off to the Board that porch they had on this building was going to be an aesthetically pleasing addition to their architecture. I must say on the surface of that, it was true. But at -- but a 12-foot porch immediately makes me a little suspicious. Because I see the condition of some of their other stores. There is stuff all over. And it didn't take them long, and the stuff came to Chili.

Now, they -- I was here. I heard the discussion. I was here every meeting and there was no mention of selling things like plastic chairs, um, Christmas wreathes, Christmas trees, charcoal, bottled water, window washing fluid, piles and piles of soda. There was no mention of all that when you started out here. But you know -- regardless what season it is, they sell something on that porch. And that was never the intent. And if you read the minutes from when they were here before, you will see they never mentioned any of this. I think that this Board was snowed.

The car repair, and taking the dents out of the cars, which was I believe in April, was a complete shock to me. Sunday, I believe it was, they have got a car out there, a big truck, a van and they -- I don't know, some -- they call it ding removal or something. There were tents even. They had tents. They had cars in tents on that spot. Now, I don't think this is acceptable. I'm sorry. They have had illegal signs. Mr. Scibetta or one of the code enforcement officers has been up there I don't know how many times about illegal signs. They don't seem to know what the sign ordinance is in the Town of Chili. And I certainly don't think that if you grant them another conditional use permit, which I hope you will with some restrictions, you don't go for anything longer than you gave them before. This is the only time you get them to pay attention and listen up, is when they need something. And they can come in here and they can smooth you one more time just like they did three years ago, but we need to tighten that up down there.

I agree they don't work at an intersection that is very pleasant on the other two corners either, and those should be dealt with as well, but just because we have two problems doesn't mean we should allow the third.

Last night we saw a company come in here who wants to have a -- not a convenience store, but a gas station, a super gas station and a carwash and everything not -- not two -- two and a half miles from them, and they agreed to come to Town, no outside sales. They agreed to it. And I don't see why this company shouldn't be held to the same measure.

Last year, as a matter of fact, I believe the Fire Marshal was the one who went up there about the trees, Christmas trees, because they originally started out on the porch. Can you imagine Christmas trees. He went up and told them they would have to move them because they were blocking the doors, because it was a fire hazard. They didn't quit selling them. They just moved them out in the parking lot.

Don't get taken with this nicey-nice we see every three years. This needs to be tightened up, and it is up to the Board to do it. Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: I agree with Mrs. Borgus in regards to outside sales, except for the fuel and fuel-type products like oil, you know, a couple cans of oil. I have no problem with that.

But the part that I do not like is like having skid loads of soda, Pepsi, Coke, whatever the brand happens to be, out there in the front. And also I notice this past year one time a tractor-trailer that there is a big Coke sale or Pepsi or one or the other. Soda is soda to me. That was being done there on the side.

As a conditional use, and -- permit, there should be nothing out there, you know, selling.

In regards to the picnic tables, the ice cream, a cup of coffee, keeping the kids out of the parking lot as a safety factor, I don't see a problem with that, as long as they're removed on an off

season. As cleanliness, folks wash it down pretty well. I mean 10, 11 o'clock, after you close down the ice cream, you wash it down, it kind of gets the messy part done and that's good.

In regards to the signs, there have been a number of issues on that. And we do have a sign ordinance, and abide by it. Between those two, I agree. Between the sign ordinance and no outside sales, that needs to be addressed as a full point. We had the one that came in last evening, in North Chili. They agreed upon it. I think it is a good start and here is the second start.

And go through the whole town and do it as proper, as the different businesses come in and ask.

Also, in regards to signs, there have been voting signs that have been put in the front, and that's -- I don't believe that is part of our Town sign ordinance, so that should really be addressed. It's not allowed. One other thing I can think of is the traffic. It is tough for them to monitor, and it is up to the Sheriff's Department. People try to bypass that signal light at Union Street, and they're cutting through. I think it might be an idea for this Board, through the Town Board, with the Sheriff's Department to tighten that up. They're cutting through to miss the signal light. And someone is going to get hit in there and this business doesn't need it, nor the residents here in Chili. Thank you.

JAMES MARTIN: Thank you.

Move to close.

KAREN COX: Second.

James Martin made a motion to close the public hearing portion of this application, and Karen Cox seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

JAMES MARTIN: From a discussion standpoint, the point has been brought up that an organization came before us last night. We did put a condition on the approval, and I will read, if I can remember exactly how it was worded last night, that outside display and sales of retail sale items, with the exception of gasoline, other fuel products and ice storage, because I know you have -- that ice storage case outside is prohibited. That is the way we wrote the condition of approval last night. So I wanted to open that up to the Board to see if the -- you know, we're in favor of adding that as a condition.

JOHN HELLABY: I personally think it should be added. I think it should be tweaked just slightly because they have the outside ice cream window, which I don't have a hang up with. I also know they have actually one of those outside propane storage things. You might want --

JAMES MARTIN: That is fuel products.

I can -- here is what I have gotten.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: We can certainly state that the picnic tables on the west side of the building, you know, can remain in use. All right. Anything else that --

DARIO MARCHIONI: I just got a question. If they had, for example, a promotional item, which is for a temporary time, could they get a variance to -- for -- in other words, they have a promotional item, they want to introduce it for one day, let's say. With a time limit on it, would it be allowed?

JAMES MARTIN: I would defer to Mr. O'Toole?

DARIO MARCHIONI: Is there any way they could ask for leeway, for a -- two days, three days and it is out?

KEITH O'TOOLE: It would be impractical from a regulatory point of view and an enforcement point of view for us to do that, to have them touch base with us, log in a display and for us to go out there and check it.

DARIO MARCHIONI: Could they get a special permit from the Town Board like you do get for events? They go to Town Board for events or special situations.

KEITH O'TOOLE: There really is not a provision in the code to do that. They're allowed to do it absent your condition to the contrary.

JAMES MARTIN: Thank you.

Renewal period?

JOHN NOWICKI: I don't have a problem with five years.

DARIO MARCHIONI: Five years.

KAREN COX: I don't either.

The Board indicated five years was fine.

JAMES MARTIN: With the conditions we have outlined.

MR. BROWN: No problem.

JAMES MARTIN: I will do the SEQR process at this time.

James Martin 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 the Board all voted yes on the motion.

James Martin reviewed the proposed conditions with the Board.

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

1. Granted for a period of five years.
 2. All previous conditions imposed by the Planning Board remain in effect.
 3. Outside display and sales of retail sales items with the exception of gasoline, other fuel products, and ice storage is prohibited.
 4. Applicant shall conform to the Town of Chili signage ordinance.
 5. The picnic tables on west side of building can remain in use.
2. Application of William Trembath, owner, 3820 Chili Avenue, Churchville, New York 14428 for renewal of conditional use permit to convert single-family dwelling to a two-family dwelling at property located at 3820 Chili Avenue in R.M. zone.

William Trembath was present to represent the application.

MR. TREMBATH: Good evening. I'm William Trembath. I'm the owner and I also live at 3820 Chili Avenue. I'm here tonight to ask for a renewal of my conditional use permit to allow for a two-family dwelling at my residence. I have a studio apartment upstairs. That's it.

JAMES MARTIN: Previous granting of this conditional use in November of '01, there was application made -- needed to be made for inclusion in the consolidated drainage district. I believe that was completed. The property is in a drainage district. There were no other conditions imposed at that time.

DARIO MARCHIONI: I have no questions. There have haven't been any complaints, right?

DENNIS SCIBETTA: None that I'm aware of.

JOHN NOWICKI: I'm not aware of any problems over there. Are you?

JAMES MARTIN: No.

JOHN HELLABY: I'm not aware of any problems. I guess just more out of curiosity than other things. Um, that house was supposed to come down eventually, was it not?

MR. TREMBATH: I believe the previous owner may have come before you with a plan to tear it down and build a couple more townhouses. That is not my intention. I have his plans for that, but I have never hardly reviewed that. I am actually living downstairs in the one house.

JOHN HELLABY: Does that house sit on a separate lot then?

DENNIS SCIBETTA: I believe it is.

JOHN HELLABY: It is not shown on this map.

MR. TREMBATH: It is a 1-acre lot with --

JOHN NOWICKI: Different tax account numbers? You have two tax accounts?

MR. TREMBATH: Just one. I have one lot. It is about an acre with two buildings on it. The townhouse right behind it, I have that, as well.

JOHN HELLABY: You occupy that, as well?

MR. TREMBATH: Yes.

JOHN HELLABY: They're both on the same lot?

MR. TREMBATH: Yes. But I believe the conditional use permit is to allow for the studio apartment upstairs.

JOHN HELLABY: You have no intentions of moving forward with the expansion shown on the drawing?

MR. TREMBATH: No. I am actually redoing the house downstairs, the one I am living in.

KAREN COX: No questions. I drive by there every day. It looks nice. Well kept.

MR. TREMBATH: New roof in the spring, too.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a couple of questions. What fire protection is offered for the studio apartment? Is it sprinklered? I can see where that could be a problem in that style house if there were a fire.

MR. TREMBATH: Yes. There are actually two entrances. She has accessibility to the lower unit, as well, so she has two exits to the property.

MS. BORGUS: You mean she comes into the --

MR. TREMBATH: She has a separate entrance, a keyed entrance, too, but she also has access to another entrance if need be.

MS. BORGUS: You don't have fire sprinklers? Has the Fire Marshal inspected this?

MR. TREMBATH: Yes.

MS. BORGUS: This maybe doesn't have anything to do with the conditional use permit renewal, but I was here again, all those years back with that was not supposed to be left in the condition it was. It was supposed to be a matter of building the two townhouses out back and when they were established and rented and running and I suppose profitable, the house was going to be removed. It makes for a very crowded site, and it always looks like it is a half finished project, which it is. I kind of understand Mr. Hellaby's questions, and I think I probably share his concerns. I'm not happy to think now we're just going on with this situation. It really doesn't look very good, and I would respectfully disagree with Mrs. Cox. I think it could use some upkeep. There are always boats and everything parked there in the yard. Is that yours?

MR. TREMBATH: Yes.

MS. BORGUS: I'm sorry, Mr. Chairman, can you ask if that boat is his?

MR. TREMBATH: Yes, it is.

JAMES MARTIN: It is his boat.

MS. BORGUS: It doesn't add anything to the looks of the neighborhood to have all this stuff there. Between all of the things that belong to the people that must live in the townhouses and his things all on that small, crowded lot, that looks like an unfinished project, it doesn't add anything. I would really hope at some point I would think about finishing the project that was started. How long has this gentleman owned that?

MR. TREMBATH: Four years.

JAMES MARTIN: How long have you occupied the property?

MR. TREMBATH: Four years.

MS. BORGUS: Well, anyways, those are my comments. I think it could use some cleaning up.

JAMES MARTIN: Thank you for your comments. The applicant should take that to heart. If there is some clean-up effort that needs to be made, please do it.

Move to close.

DARIO MARCHIONI: Second.

James Martin made a motion to close the public hearing portion of this application, and Dario Marchioni seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

James Martin 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 the Board all voted yes on the motion.

JOHN NOWICKI: Keith (O'Toole), on this particular map, do we have a map on file that shows just the existing building? This has highlighted buildings on this. Do we have a tape location map that actually shows buildings that are on the site and not the ones that are proposed? Do we have a survey map? An as-built?

JAMES MARTIN: You're asking for an as-built?

JOHN NOWICKI: Dennis (Scibetta), do we have anything on file like that?

DENNIS SCIBETTA: That is what we're looking at right now.

MR. TREMBATH: If not, I could provide you with the survey I got upon closing my property.

JAMES MARTIN: The answer?

DENNIS SCIBETTA: We do not have one.

JOHN NOWICKI: I would like to see one submitted on file, exactly what is on that property.

MR. TREMBATH: No problem.

JAMES MARTIN: I will put it as a condition.

JOHN NOWICKI: Then the only other thing I would watch down the road is the cleanliness of the property. Thank you.

JAMES MARTIN: Time line, Dennis (Scibetta), 30 days, 60, 90 days?

KEITH O'TOOLE: 90 days.

JAMES MARTIN: You have 90 days.

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

- 1. Approved for a period of five years.
- 2. The applicant shall submit an as-built map to the Building Department within 90 days of this hearing.

JAMES MARTIN: Before we move into the next application, I would like for a minute to

explain some procedural issues for people who may not be totally familiar with this type of an application for rezoning.

First of all, the Planning Board does not have the authority to rezone any property in the Town of Chili. That is the responsibility of the Town Board. We act as a recommendation body to the Town Board. At the close of this hearing we'll either vote to recommend or not recommend the rezoning request. Regardless of the outcome tonight, and that is if this Board were to vote against the rezoning application, the applicant still has the right to go to the Town Board to request a hearing for the rezoning application. At that time, the Town Board would schedule another Public Hearing on the matter and vote on the issues.

We're not here tonight to discuss detailed questions about site plan issues. If this proposal is approved, through the Town Board, for the rezoning, the next step in the process will be another Public Hearing in front of this Board to do a detailed review of the site plan at that time.

Environmental issues are also not under consideration tonight since under normal circumstances the Town Board would act as lead agency in the SEQR process for a rezoning application. If during the public comment period I detect that someone is getting into specifics about site plan or the SEQR process, I probably will ask them to refocus their comments on the rezoning issue.

At this time I would like to have a show of hands how many people are here to speak, for this application during the Public Hearing period. Can I have a show of hands?

All right. I was going to go into a long dissertation about fairness to other people in the audience, keeping comments short and focused on the application itself, et cetera, et cetera. Since I only see two at this time, I will defer that speech. So everybody I hope understands the process that we're going to go through tonight. We're not going to rezone the property.

3. Application of McFarland Development, c/o Fix Spindelman Brovitz & Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450 for recommendation to rezone approximately 3.24 acres from R-1-12 (Residential) to G.B. (General Business) at properties located at 778 Paul Road and 3127 Chili Avenue.

JAMES MARTIN: I will have to amend the application at this time. I make a motion to do so. The amendment would read to rezone approximately 1.84 acres from R-1-12 residential to General Business at properties located at 778 Paul Road and 3127 Chili Avenue. On the motion to amend the application, do I have a second?

JOHN NOWICKI: Second.

JAMES MARTIN: On the application to rezone -- on the recommendation to amend the application.

The Board was unanimously in favor of the motion to amend the application.

JAMES MARTIN: So the application is amended. You may proceed.

Betsy Brugg was present to represent the application.

MS. BRUGG: Thank you very much Mr. Chairman. Members of the Planning Board, for the record, my name is Betsy Brugg, attorney with the firm of Fix, Spindelman, Brovitz & Goldman. I'm here on behalf of McFarland Development in connection with this proposal. As the Chairman has already mentioned, we're here specifically with respect to our request for rezoning of two parcels in connection with the overall development of a Walgreen's store on the corner of Chili and Paul. The overall site actually includes six parcels in total. The rezoning is only required and requested in connection with two of those parcels.

As the Chairman also mentioned, we're here pursuant to the Town code, pursuant to the procedure laid out in the code which requires us to come to this Board to request your recommendation as to the rezoning of the property before we can proceed to the Town Board.

What I would like to do is just kind of go over the property for you here.

The site we're talking about is at the corner of Chili and Paul. The two parcels in particular are the two farthest from the intersection. They back up to the residence on Grenell Drive. These two parcels here (indicating). They're both zoned R-1-12. The remaining four parcels that will be included in the development are currently zoned GB, which is the appropriate zoning designation. The project will also include the abandonment of Pikuet Drive, which would then become part of the overall project.

In connection with this particular request, we have taken a look at the Comprehensive Plan. Again, the rezoning being somewhat dictated by the Comprehensive Plan. The zoning -- the law requires that zoning of the property be consistent with the Comprehensive Plan. I have submitted a letter in writing addressing all of these items to the Board as part of the record, but I will just read from my letter and from the Comprehensive Plan, referring to page 1-12 which recommends rezoning to commercial of the parcels between Chili Avenue, Paul Road and Grenell Drive.

This project will be a positive addition to the commercial corridor in Town. The property at the corner is already properly zoned. This would be a natural extension of that. And consistent with the Comprehensive Plan.

Additional language in the Comprehensive Plan of a more general nature is again supportive of this rezoning. The Comprehensive Plan existing within the core area is likely to improve the overall competitiveness of the area and would generate substantial reinvestment in and improvements to the commercial development. It further states in the comprehensive plan that the commercial like a regional -- excuse me, would not be like a regional shopping mall, but a fairly large community complex. Restaurants, not for many major items and specialty goods, but more of their everyday needs could be satisfied in Chili.

Certainly Walgreen's is a neighborhood-type business that does essentially provide those types of everyday goods, whether it is over-the-counter or pharmaceutical medications or a bottle of milk or loaf of bread. That is exactly the type of thing. The household items.

The Comprehensive Plan further states the general types of goods and service that would be available would be similar to those that are available, in parents, groceries, household goods, clothing, restaurant, bank. However, a greater variety would be available and more goods and services could be offered. So we believe this proposal is completely consistent with the Comprehensive Plan.

This is really an appropriate location to request a rezoning of this nature. Again, we're already adjacent to four parcels that are in the General Business District. The site sits directly across the street from a Mobil station on Chili. It sits across the street from Wegmans on Paul, and of course, there is additional shopping kiddy corner from the site, as well.

I guess I will ask if you have any questions before I keep talking. I could talk forever, so...

JAMES MARTIN: Do you have more you will present at this time?

MS. BRUGG: I guess I would defer to the Board as to what you would like to hear further. I don't want to get into the specifics of the site plan. I think that is something that is reserved for another stage of the process should we advance further in the process.

JAMES MARTIN: If this were to go forward, you mentioned the abandonment of Pikuet Drive. I understand obviously there would have to be some process, since that is, I guess, a dedicated Town street at this point in time.

MS. BRUGG: Sure.

JAMES MARTIN: As far as any problems associated with that abandonment.

MS. BRUGG: That is a positive move in respect to the Town's position on that. They currently maintain that road. It is a little dead-end street that services the homes on Pikuet Drive and does not go all of the way through to Paul.

As far as the way the process would layout, in an ideal world the rezoning is the first step in the process. After that we would need site plan approval, subdivision approval to combine the lots. We're not sure at this point whether we'll need any variances. The site is definitely large enough. Any area variances would probably pertain to signage and perhaps to keeping the parking in the front of the site.

As far as abandonment of Pikuet Drive, that would happen towards the end of the process, as would an extension of the drainage district, both actions being on the part of the Town Board. And again, one of the six parcels that is in the proposed development, this one at 780 Paul Road, is already a commercial use. The remainder of the parcels have houses on them. This one commercial property is the only one that is in the drainage district currently.

JAMES MARTIN: Okay. I know we won't get into site plan issues, but the Town issue, there is a very beautiful sign on the corner there, Welcome to Chili. If this were to proceed, what would be the intention with regard to the sign on the corner?

MS. BRUGG: I believe there would be no problem keeping the sign. Do you want to address that?

MR. DANIHER (phonetic): Chris Daniher. I'm a representative with McFarland Development. We have discussed it generally with Walgreen's about the sign. They're very receptive to that. We understand the Town's interest in having a sign there and not having a sign and they're receptive to having a sign there.

JAMES MARTIN: Okay. If this proceeds forward, that will probably become a condition of approval, if this proceeds, that that sign will remain in place.

MR. DANIHER: I understand.

DARIO MARCHIONI: What impact do you foresee on the neighbors on the residential area to the east that is backing into this property? In one case it is essentially along the side of it. These properties (phonetic). What impact would affect them and how could you treat some of that impact to alleviate that type of impact?

MS. BRUGG: Sure. Keeping in mind that that issue would be specifically addressed at the site plan review level in terms of any berming or screening or fencing, that is all out there as ways to address, providing additional screening. Currently there is a pretty significant change in grade and some heavily wooded area. Some of that will remain and, of course, some will be removed. We'll be open to addressing any type of screening to protect the neighbors.

JOHN NOWICKI: I have a strange area I would like to talk about. For me to vote on this, as far as a recommendation is concerned, I assume that you can -- you're representing the owners. Who is going to build the Walgreen's? And one of the things that I am very, very concerned with is the typical Walgreen building that I see around the community, in my opinion -- now this is my opinion -- will not be acceptable on this site. I'm looking for a statement that Walgreen's will be receptive to architectural designs that will be more residential in nature and will fit the site, and, if necessary, we'll have an architectural review conducted. Okay, it depends how they respond to

that question in regards to the architectural treatment of the building. So that is my main area right now.

MS. BRUGG: Sure.

MR. DANIHER: I just want to mention I happened to attend a meeting a couple months ago with several representatives from the Town, and two of the points you have brought up tonight were addressed, discussed specifically at that meeting. One being the monument sign at the corner. It was made very clear that that is to stay. And, in fact, I don't want to quote anybody, but I think the essence of the conversation was that it would be improved, and -- and I believe I'm aware you have a Conservation Committee that will help work with us relative to the site landscaping and the -- and the improvement of that sign.

The other issue relative to the building, it was made very clear you're not looking for a prototypical box-type structure. We're also willing to work with your committee or any Town members on that.

We have not, to be honest, expended a great deal of money at this point because without a zoning change, we have nowhere to go.

So we will be back if we get the zone change, we'll be meeting hopefully informally with members of the Town to work out these issues so when we come in with a site plan, we'll have hopefully a package that you will be pleased with. And if not, we're still open to further amendments.

JOHN NOWICKI: As long as we have that on record, that you have projects close by to this one that have done spectacular work to residential treatments on the building. We want this to continue here.

JAMES MARTIN: It is comforting to hear that. Mr. Marchioni and I were at a conference in Saratoga Springs and a gentleman Ed McMahon, kind of nationally known, talked to us about what you can do with corporations in the United States, and they all have plan A that they like to build, which is a prototypical box, but they have plan B and C in the file. And so we have been, you know, quite adamant in asking for plan B or C if it is necessary to fit into the architectural nature of the site. So John (Nowicki) has brought it up and I will reinforce it. We're certainly looking for it.

JOHN HELLABY: I don't have anything right at this time.

KAREN COX: I don't take any issue with the statements that you have made in your letter. Certainly the property surrounding these two parcels is GB.

Have you purchased the other four homes, or there -- or --

MS. BRUGG: I believe they're all under contract.

MR. DANIHER: All of the properties are under contract. Presently no closings have occurred.

KAREN COX: Contingent upon the decision tonight?

MR. DANIHER: Contingent on a number of conditions, but one of them would be proper permits and approvals to do the planned development.

KAREN COX: I understand this is not a site plan review, but I will throw out, just looking at the plan that you have, you -- you have attempted to address the -- the prospect of cut-through traffic. You know, I could tell just by the layout of the driveways.

But based on what I have seen, just people around Town cutting through large shopping centers to avoid that traffic light, you will have to think a lot more about other measures to prevent that. Because people do it. Even though it may -- may not save them any time. They're going to use those two driveways. And I don't have -- you know, I understand why you need two driveways. You need State permits. They usually issue them. That is all I would ask.

JAMES MARTIN: Just a follow-up on that comment that I have received regarding that, and again, looking at, you know, what the proposal is right now, this may be something that is difficult and really is not in the control of this Board, but some sort of a traffic control device on the Paul Road exit that would be contiguous with the entrance into the Wegmans plaza. They're very close, okay, but not quite aligned. It is something that may need to be discussed were this to move forward. Again, we don't have control over that. That is going to become a State or County road.

KAREN COX: It is going to become a County road sometime in the next 20 years when the --

MS. BRUGG: I think that is a good prediction.

KAREN COX: It has been in front of the Legislature now for about three years.

JAMES MARTIN: That would become a County D.O.T. issue, but I just want to bring it up at that time for consideration -- as the future goes, that might help that cut-through activity that we know will happen. It happens. We heard it happens at Byrne Dairy. We talked about it when they were under application that it was going to happen and it does happen. So just something to note.

JIM POWERS: Just supporting yourself and John (Nowicki), I just want the folks from Walgreen's to listen very carefully as to what they said is -- with regards to the architectural building, the architecture that may be incorporated into this building that might go on this site. They're looking for change. We have had a pleasant surprise last night, and I think you best read into that what you may, but be very careful, because this Board will look very carefully, and I'm sure the Building Department will, too, as to what your final rendering is that comes before us.

What made you choose this particular site?

MR. DANIHER: I guess I will take this one. As a developer for national retail tenant, um, you get some guidance from -- from the retail tenant and general locations they want to be. And we're not really privy to their internal marketing studies as to where they want to be, but some indication are competitors and I think an Eckerd's relatively near here. In any event, they do their internal studies and we travel with the marketing rep from Walgreen's or whomever we're representing and show them various sites and they indicate to us which sites they prefer, and then from that point forward, we approach the owners and attempt to go under contract, and then get formal approval from Walgreen's for that site, which is where we are now. We have gotten that approval, and then we proceed forward to the Board.

JIM POWERS: Were there any other sites in the Town of Chili that I had --

MR. DANIHER: I should step back a little bit. Walgreen's has a number of different developers. We're just one. Um, they have a number of different preferred developers. So I can't speak to the other developers, but we have not been designated as finding other sites. And -- in your Town. But I can't speak to Walgreen's or any other developers they may have contacted with respect to that.

JAMES MARTIN: Curiosity question while you're there. The engineering firm represented here is out of Cicero, New York. Where is McFarland?

MR. DANIHER: Syracuse.

JIM POWERS: To Keith (O'Toole), I guess, on the abandoning of Pikuet Drive, that won't come back to the Planning Board. I assume that will go directly from the Superintendent of Highways under the highway law to the Town Board and that the Town Board will in turn, based on his recommendation, have a hearing on the abandonment of that road and then they will vote on that separately from this particular Board?

KEITH O'TOOLE: In a nutshell, yes.

JIM POWERS: Thanks, Jim (Martin).

DARIO MARCHIONI: I have another question. In other words, you're saying that there have been studies that this project in this location can be profitable. In other words, what assurance do we have that if you put this building up, it is not going to get closed or --

MS. BRUGG: Well, this -- well, Walgreen's is very good at picking sites.

DARIO MARCHIONI: We have buildings in Henrietta, after they are built, seven years later they're totally vacant.

MR. DANIHER: Well, there are no guarantees, but Walgreen's has been around a very long time. We have to rely on their studies, and I mean, they're making a significant investment. Either be it a lease or owning the property, they do it a number of different ways, and in either case, they're making a significant financial investment, building a new store, either through lease payments or actually acquiring the site and developing the site. So I don't think they're going to make that jump or take that risk unless they really are confident in that site. They just don't -- it is not a process where -- not every site is approved, and it is a long process where they have an Operations Department and a Marketing Department and various different departments that review that site before it even goes to a Real Estate Committee Review Board internally. So we rely on them to determine those sites and they have been in business a long time, so...

DARIO MARCHIONI: In other words, you also take into consideration our Comprehensive Plan with other development in the area, such as other stores or projects that are coming in in the future that will blend in with all these other aspects as proposed? It is not that you will -- will you still be active and still in business?

MR. DANIHER: I think they take into account where the growth markets are. I mean, obviously this must be a potential area for growth, so that must be a consideration. Um, also I would like to know, and -- this Board has stated that they're looking for a certain design, and I think that if that design, if it does come to fruition, I think that is an attractive building that could be used again by another tenant. It won't be a vacant building because it will be an attractive building that will attract retail tenants.

JAMES MARTIN: Good answer. Thank you.

KEITH O'TOOLE: Just a comment. With regard to SEQR; the Board isn't conducting SEQR because this is a recommendation, not an action. And in terms of coordinated reviews, there is no requirement for one, which is why the Town Board is most likely to conduct SEQR first before the Board would. That is the distinction. Nothing further.

DENNIS SCIBETTA: No. They have made application. We're just not actually sure as to which properties are not included and how much of them are in the drainage districts, but that has been taken care of. The application was submitted for the remaining properties that are not, and --

I just want to let you know that.

JERON ROGERS: Question. If the Town abandoned this street, will that property be deeded back over to the homeowners?

MS. BRUGG: That is typically what happens, yes.

JERON ROGERS: Then they would have to -- I guess --

MS. BRUGG: It gets abandoned and the homeowners have the option to pick up ownership of that. And in this case, that happens at the end of the process, so that you would not have an abandonment of the street while the residents have their homes there. You wouldn't get caught in that.

FRED TROTT: Just a comment on the site plan. Like they had said, to consider a traffic light, and moving the exit on to Paul Road, or even consider putting in, making the Paul Road entrance and exit just a right turn only.

KAREN COX: Is the Town Board going to be privy to Dave (Lindsay)'s comments on the long environmental assessment form? Since SEQR is part of --

JAMES MARTIN: I would. Yes. We'll certainly provide them, the comments, from the Town Engineer attached to the long form EAF.

KAREN COX: Because he has got to -- he has comments on things that are -- that are unsubstantiated. So I wanted to make sure that --

JAMES MARTIN: If -- yes. They certainly will be made aware of those comments. Because most of the comments from the Town Engineer we have so far pertain to the EAF.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JAMES LAWRENCE

MR. LAWRENCE: I live at the property directly across the street from where this proposed site is. My question has to do with, number one -- well, two things. I'm concerned about traffic impact in the neighborhood, and more so, I'm concerned about -- I'm concerned about two things. One, the impact of traffic flow and will there be an increase in traffic as a result of this commercial development directly across the street from my home?

And even more importantly, I'm really concerned about the impact that the value of my property will have with the possibility of the commercialization directly across the street.

And I would think, you know, down the street is a CVS drugstore that was plopped down in the middle of a neighborhood, and what has been the experience there in terms of surrounding property value? Can anyone answer those?

JAMES MARTIN: I certainly don't know the answer to your first question. In regard to your first question, if this goes forward, Mr. Lawrence, as part of the environmental assessment, were it deemed necessary by the Town Board as -- necessary by the Board, lead agency, to request a full traffic study, that would certainly be part of any package that is presented to us, all right, subsequent to any -- you know, this moving forward with a positive vote.

But as far as property values, that, you know, I -- I don't know any way to answer that question, nor should we probably answer that question.

JORDAN BROWN, 82 Loyalist

MR. BROWN: Is there a plan for drive-through pharmacy?

JAMES MARTIN: For a drive-through? I believe on the sketch plan -- I will call it a sketch plan at this time -- there is a proposal for a drive-through window for the operation of the Walgreen's.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: I'd like to be enlightened on this. Piquet Drive is a dedicated road, street road, whatever you want to call it. I do believe it would be -- it is Town property. Does the Town get any reimbursement if they don't use it or abandon it or whatever? I'm totally ignorant to that. Just clarify in my own mind.

JAMES MARTIN: I have no idea what the legal procedure is around abandonment.

Mr. O'Toole, would you care to comment on that?

KEITH O'TOOLE: Depends on the circumstances. That is a decision for the Town Board to make. It depends on the circumstances. It is a decision for the Town Board to make. It is not uncommon for an abandoned road just to be abandoned to the adjoining property owners, because the reason it exists in the first place, and was constructed typically by developers themselves, was for the benefits of those adjoining property owners.

On the other hand, in some instances where a Town road being abandoned would create an alternate demand for Town services, in that instance it might be appropriate for there to be compensation so the Town had adequate resources to provide the alternate access. I don't know if that is the case here. Joe Carr would have some comments certainly I'm sure he would share with the Town Board.

DAVID DUNNING, 2 Wheat Hill

MR. DUNNING: Does the Town currently own the land where the Welcome to Chili sign sits?

JAMES MARTIN: I don't believe that we occupy that land. It is probably on a right-of-way.

DENNIS SCIBETTA: Right-of-way.

JAMES MARTIN: Or parcel of property there --

KEITH O'TOOLE: If I may, I believe the -- and perhaps Ms. Brugg can correct me, they will provide us with an easement if it is off of government land for the sign and for the -- any ancillary landscaping.

JAMES MARTIN: Other comments at this time?

Seeing no more comment, and you will have another opportunity to speak to this before the Town Board, I will make a motion to close the hearing.

JOHN NOWICKI: Second.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

JAMES MARTIN: Keith (O'Toole), to clarify your comment around SEQR, my statement on that is essentially correct? We do not have to take action on this if the Town Board is going to become lead agency?

KEITH O'TOOLE: That is correct. It is not a Type I action. Therefore, there is nothing we have to do, even though there may be a pending project.

JAMES MARTIN: Right. Thank you.

DARIO MARCHIONI: Can I ask another question to the applicant?

JAMES MARTIN: I will allow you to ask another question to the applicant, yes.

Are you asking Mrs. Brugg?

DARIO MARCHIONI: Ms. Betsy, can I ask a question? A question was brought up, a person in the audience, pertaining to property values. In your experience, building these all over the United States, has the property surrounding your projects, has the value increased, decreased? Do you have any experience in that? Do you have any statistics to that?

MS. BRUGG: I don't believe there is data specific to that. It is certainly not a specific land use consideration. I would note that -- I believe the gentleman lives -- you're on Chili?

MR. LAWRENCE: Chili.

MS. BRUGG: I guess I would note, even if they, Walgreen's, were not built, this property is zoned commercial and you could have any kind of little shop or -- almost anything consistent with the General Business District just open there at any time. So this is not a drastic request. We're really asking just to extend the district in a manner that is a natural progression what is certainly there and consistent with the Comprehensive Master Plan.

JAMES MARTIN: We'll vote on the recommendation to the Town Board to rezone the parcels in question.

KAREN COX: Yes. I will state, since I have been on the Board, we have been holding up the Master Plan as the document that we're trying to follow, and that is the reason that I am voting yes, because the Master Plan indicates that is an appropriate use for those two parcels.

JOHN HELLABY: I, as well, will vote yes, as Karen (Cox) just stated, it is in compliance with the Master Plan, and that is what we're trying to work to here.

JOHN NOWICKI: The conditions and the update of the Master Plan, based on the gentleman's response, I look forward to seeing a very, very impressive project. I'm for the recommendation.

DARIO MARCHIONI: I echo the same comments. I will vote yes and also welcome to Chili and thank you for your presentation.

JAMES MARTIN: I will vote yes also on the recommendation to rezone the two parcels.

MS. BRUGG: Thank you very much.

DECISION: Unanimously voted to recommend that the parcels be rezoned from R-1-12 to G.B. The rezoning is consistent with the 2010 Comprehensive Master Plan. All supporting documentation pertaining to this application is on file with the Planning Board Secretary.

There was a recess in the proceedings.

4. Application of The Fathers House, owner, 692 Paul Road, Rochester, New York 14624 for renewal of conditional use permit to allow a church at property located at 715 Paul Road in R-1-15 zone.

Chris Kaurelis was present to represent the application.

MR. KAURELIS: My name is Chris Kaurelis from Passero. We are here tonight to request renewal for the conditional use permit for Fathers House. The Board granted site plan approval, subdivision approval and conditional use approval in November of '05.

Since that time, a couple stages of construction have happened. There was an intermediate parking plan brought to this Board's attention that has been constructed. The storm water management areas associated with that parking area have been constructed and currently, building pad, some site work and construction on the buildings are under way.

That being said, it is an update on what the status was from that -- approval of that conditional use permit to date, and we have asked the Board to understand that construction is still ongoing, still progressing with it, and ask for the extension of that conditional use permit for the project site.

For the public, project site is located on Archer Road, Paul Road. The project received subdivision approval for the plan you see before you. The Church is under Phase I construction of the new worship space, and it has a conditional use permit, and what we're asking the Board is

to renew the approved conditional use permit granted in November of '05.

JAMES MARTIN: Okay. A couple of comments at this time. It seems, even though there has been some significant improvement to the crossing situation there, there are still some issues associated with that.

I'm not sure whether it has continued to be a training issue or what, but I think again, I would ask that The Fathers House continue to look at that situation, work on it on a continually improving basis, because I still think it is a significant danger to the people that are crossing Paul Road from that parking lot to the current structure.

Also, comment from the Commissioner of Public Works who feels that we really should have a stop sign from the exit at the parking lot, so people are not just shooting out of there, all right? And that is something that should be taken into consideration.

One more comment. Apparently there have been some violations of temporary structures being constructed or -- or being put up on the property and not properly permitted by the Building Department, and any -- any temporary structures in the future that are deemed to be necessary for some activity over there need to have temporary -- need to have the proper permit granted by the Building Department.

That is what I have got at this time. I will go to the Board.

JOHN HELLABY: I don't have a problem with the application per se, and I know you mentioned it, but I will expand a hair more on the crosswalk situation. Again, as Mr. Martin alluded to, we tried to impress upon The Fathers House last time the situation with the gentleman standing in the middle of the street. I have a real problem with that, inasmuch as they had two gentlemen standing along the shoulder the last couple of weeks, making it almost impossible for traffic to get through there. These guys are putting their own lives in jeopardy, standing in that street. School crossing guards don't stand out there. New York State D.O.T. workers don't stand out there. If they have got a concern, and they're -- I think they're doing the right thing. They're going about it all wrong.

Get a couple of guys with those revolving stop signs or something. The purpose of that crossing guard is to keep the people from walking out in front of the traffic. Have some sort of stop sign mechanism. Don't narrow down the travel lane the way they're doing it. If you take care of that situation, I won't have a problem here. That's it.

JOHN NOWICKI: The structure you are talking about, are those the storage units? What problems have we had over there?

DENNIS SCIBETTA: There was a tent structure that was erected for a period of time.

JOHN NOWICKI: On the existing building site?

DENNIS SCIBETTA: Yes.

JOHN NOWICKI: So we got that cleared away.

DENNIS SCIBETTA: Following Mr. Hellaby's comments, it is actually illegal for those people to direct traffic or stop traffic on Paul Road. They need to be aware it does need to stop. The Monroe County Sheriffs are having a problem with that. There have been several comments made to us. It does need to be stopped. They do not have the right to stop the traffic on Paul Road or on Archer Road for those reasons. They are not a legal traffic authority. The Monroe County Sheriffs are the only ones or the State Police are the only ones that can do that legally. So Al (Hellaby), no, they can't put revolving stop signs up and stop traffic.

JOHN HELLABY: Anything to alleviate the situation they got now is fine.

DENNIS SCIBETTA: I understand that.

JOHN HELLABY: Even if they had a monitor keeping people from walking into the traffic, I guess, is my point, which they can do to hold their people back if they're not stopping traffic.

DENNIS SCIBETTA: But they need to work with the proper agencies as far as traffic control on that, and it has been brought to our attention that sometimes that doesn't happen.

JOHN NOWICKI: Just a -- that road, is that a County road?

MR. KAURELIS: State.

JOHN NOWICKI: Have there been studies on that road conducted recently as far as traffic movements and patterns?

KAREN COX: Probably.

MR. KAURELIS: There was a comprehensive study done.

JOHN NOWICKI: Were any drawings submitted with the studies to show the improvements to the intersection or anything like that? Well, we'll have to keep an eye on that one. That is a very good question.

DARIO MARCHIONI: Dennis (Scibetta), the question I have is some areas where they have a push button -- you push a button --

DENNIS SCIBETTA: Those actually don't do anything. It is a known fact. It is for the pedestrians to wait. They do not control the traffic control. You cannot do that.

KAREN COX: They couldn't put something up like that --

DENNIS SCIBETTA: The crosswalks.

KAREN COX: Pedestrian crossing you would have to get the State to buy into it. Somebody would have to finance it. It is not even, you know, feasible at that location.

DENNIS SCIBETTA: That's correct. Part of that problem is the traffic is coming out of the parking lot and it needs to be addressed. They can't stop traffic on Paul Road to let people out of the parking lots. They do not have that authority to do that.

JOHN NOWICKI: There has been a traffic study on there, and I believe it has been done by Passero Associates. I believe John Caruso --

MR. KAURELIS: We presented a copy to the Town with this project.

JOHN NOWICKI: Because I know at one time we had requested or have -- had our conditional use for the engineers to work with the Public Works and the Town Engineer to determine the need for turning lanes on the project, and I guess it came back with another letter that the Commissioner Public Works/Town Engineer determined there were no need for improvements along Paul Road, Archer Road.

MR. KAURELIS: The project didn't warrant it, but we understand traffic is a sensitive issue.

JAMES MARTIN: We did reserve I think, what, 20 feet for possible road improvement in the future along the property line.

MR. KAURELIS: Reservation.

JAMES MARTIN: But I -- but I -- I remember that -- what came back was they --

MR. KAURELIS: The way they have stepped through the process, with the interim parking lot plan to alleviate the parking on the roadways, to having the issue with the pedestrian crossing that is there, their interests are in safeguarding their congregation back and forth. It is a stage process. They are sensitive. They know the Town is sensitive. Ultimately when the project is built out, there will be no need for crossing. All of the worship on the north side of the road will be on the south side.

JAMES MARTIN: Unfortunately, we still have the problem at this time.

JOHN NOWICKI: I have another question to ask. They did a temporary sign in Chili Center, in the middle of the road that caused more problems, that said, "This is a pedestrian crossing."

KAREN COX: From the Senior Center.

DARIO MARCHIONI: It's a State Law.

JOHN NOWICKI: Is that something that would work in this particular situation?

JIM POWERS: They had one on Westside Drive by the college.

KAREN COX: But I think again, you -- correct me if I am wrong, Dennis (Scibetta), I know that the one on Westside Drive required a permit from the County. The one on Chili Avenue, I don't know how that came about.

FRED TROTT: That required a permit from the State also. And there were a lot of things that Joe (Carr) had to -- including that the sidewalk had to be ramped and marked and stuff like that before they would even consider it.

KAREN COX: So you're looking into having to make things ADA compliant.

JAMES MARTIN: The new church will be finished before that.

KAREN COX: It would be a long process.

JOHN NOWICKI: Again, we should keep that in focus, that we watch this problem and not let it get out of hand there.

JAMES MARTIN: We have addressed this almost every time The Fathers House has been here and I know they have tried. Reverend Duplessis called me and said, "We're trying to change the situation." But obviously it continues to be a safety issue. Somebody has to come up with a creative answer at this point. I don't know what it is.

JOHN NOWICKI: Maybe the State has to get involved to look at it.

KAREN COX: Good luck with that.

DARIO MARCHIONI: Could you mention when the church is anticipating to be finished?

MR. KAURELIS: Their schedule calls through fall of '07. Structural steel is on site now.

KAREN COX: By the time you got the State to look at something like that, John (Nowicki), Chris (Kaurelis) is correct, the --

MR. KAURELIS: The operation will be across the road.

DENNIS SCIBETTA: It is a good suggestion they follow through with, just to improve the crosswalks at that area. It is only going to be used more, so it is something that should be looked into, and if they start now, by the time the project is finished --

JOHN NOWICKI: Who would generate a letter to the State requesting that they start to look at this situation before somebody gets hurt?

KAREN COX: The thing is, John (Nowicki), Mr. Kaurelis just said right now there is a volume of pedestrian traffic that crosses Paul Road because the main structure is on the opposite side of the street as the parking lot. When the project gets finished, there still will be some back and forth, but it will not be a large number of people, because, correct me if I am wrong, the only sanctuary building will become an office building and --

MR. KAURELIS: That is what is being looked at. It is not --

KAREN COX: The main worship space will be on the same side of the road as the parking is. So then you're down to four or five people, you know, walking across the road. You have that when people cross their -- the street to go to their mailbox. So, you know, it is an existing problem now that we would like them to continue to work on.

JOHN NOWICKI: It is in the record. And we know what is going on. So let's keep an eye on this one.

JAMES MARTIN: Basically what I have wrote here is applicant shall conform to laws pertaining to safe pedestrian crossing.

DENNIS SCIBETTA: And I don't mean to pick on anybody, but -- and New York State

traffic laws.

JAMES MARTIN: I said -- okay. New York State traffic laws. Is that what you want?

DENNIS SCIBETTA: Yes.

FRED TROTT: No comments other than we had talked about they have the stop sign, and if they have any problems, give us a call. I think -- we have been out there a few times to watch them, and they have tried to do their best with the situation. I have a hard time following them just for the amount of volume they get of people across there. We have met with them. We have tried working -- coming up with different ideas. If they want to meet with us again. We talked about going another step further with warning devices and stuff, but, um -- I don't know -- we have looked. We couldn't figure out anything better that they could do.

JAMES MARTIN: But they need to conform to New York State traffic laws.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ROCKWELL YARID, 24 Cross Bow Drive

MR. YARID: My comments tonight, you -- you took the wind out of my comments tonight. I don't mean to beat a dead horse, but from the point of an individual that lives in that neighborhood and the experience I have had, I would like to at least reiterate or confirm some of what you said. I think -- first of all, before I say that, I agree with the fact that the effort to resolve the parking on Archer Road is very good. That has been taken care of. They're -- whomever is responsible for that, I commend them on it. There is an occasional arrest or two. That is to be expected. The neighbors occasionally park on the road. I don't find too much fault with an occasional car or two. That has been a good situation over the last several months.

However, the concerns that you mentioned with the crossing, I think is -- something should be looked at. I think personally it is a situation that is created by the Church and their effort to try to do the best they can for their parishioners crossing. What I mean by that is, if you have been there during peak hours, and the peak hours, by the way, is Sunday morning, Saturday, Wednesday night. As I came here tonight to the meeting at 7:19 and drove past the church, there was no one out there. Activities were going on at the church. There was a flare burning on the side of the road, right next to the white line, but no one was around. In itself that doesn't create a big problem, but as people approach that area and they see the flare, the first reaction is, "My God, is something happening?" If there is a sufficient number of cars, you get rubber-necking.

If you go there during the busy season, what you notice is a carnival-type atmosphere. You have cones on either side of the road with white lights flashing. You have a gentleman sometimes standing in the road and a black car parked on the side with lights flashing, and you -- when you approach that area, you have a sense of, you know, of real -- a sense of nervousness and anticipation, not really knowing what to expect at any moment.

I will give you an example. Just recently, I was driving down Archer Road towards that intersection. As I approached the intersection, I was going about 15 miles an hour. The gentleman who is normally there conducting the traffic was standing in the middle of the road with his back towards me. As I approached him, I got within two car lengths and as I approached, he turned around and went like this (indicating). Now I'm a very defensive driver and I usually pay very close attention to my surroundings. As I approached that crosswalk, I noticed that there was nobody immediately on the side of the road ready to cross. There was no one there. There was a crossing guard on one side of the road and the gentleman was in the middle with his back towards me. So I drove about 15 miles an hour and he drove around and went like that (indicating). By the time I reacted, I was at the crosswalk. So I kept on going. Looked in the rearview mirror and he was going like that (indicating). I think the efforts that they have put to try to create a safe situation is creating adverse consequence, and that adverse consequence is a carnival atmosphere similar to the Chili Fair where you have a lot of people out and cones in the road. Imagine having that several times a week, every week in your neighborhood. That is the situation you have there.

So for me, whenever I drive there -- and I try to avoid there whenever there is activities and I know when the activities will occur. We had in the afternoon -- Sunday a.m., to early Sunday p.m., Saturdays and several times, I try to avoid going to that area, only because whenever I drive through there and I see that situation, I am not sure what to expect at any moment.

When I was 13 years old, I lived in New York City and I was designated a crossing guard. And as a crossing guard in New York City -- it was in the Bronx, very busy, and as a 13-year-old kid, I would stand on the side of the road. We had no crossing lights. As the students came up to cross, I would wait and we were taught how to deal with the traffic. You had the big sign, and you would wait until the traffic was a reasonable distance away before you made your intentions known and put the sign out and walked out into the traffic. Give everybody a reasonable amount of time to react and you allowed the children to cross. I didn't have flashing lights. We didn't have, you know, cones on the side of the roads. We didn't have two or three people. So I was a 13-year-old kid who was helping other children across the road. If I could do it, I can't understand why a couple of crossing guards with all this fanfare couldn't safely, um, you know, facilitate the crossing by the parishioners.

We see it every day with crossing guards for school. Crossing guards for school, you have one crossing guard on the side of the road. Sometimes they're in a controlled intersection, sometimes they're not. But they don't rely on all this fanfare to -- you know, to facilitate the

crossing, safe crossing of students. I can't understand for the life of me why we have to create this big fanfare and this big circus-like atmosphere at that intersection several times a week.

I would hope that you would consider this as part of this approval, that possibly will go forward, but I think it should be corrected as it has been stated here.

DAVID DUNNING, 2 Wheat Hill

MR. DUNNING: I live right across the street from the new entrance/exit from the church property right now. That actually has become a major traffic hazard, and as I understand it, there was some mention of possibly putting a stop sign inside on The Fathers House side to stop the cars or at least signal that these cars need to stop before they come out onto Archer Road. Because that has not really been happening.

With the traffic light, with -- the traffic enforcement officer they're using to stop the traffic is horrendous. All day Sunday. I have to plan when I can actually leave my house around when the church is not let out. It is a very, very busy section when the church is -- the services are letting out and the traffic begins to come out. It is a very short distance between the light and the exit or the entrance or exit, if you will, to the new parking lot area. Something I believe needs to be done about the traffic control on that specific spot to move traffic better through that area so that it is not as congested as it is for the length of time it is. I realize this may be a temporary situation until the fall of '07 when this project may be completed. I'm a little reluctant to believe that is actually the truth being that no steel has moved in probably four to five weeks since the steel was delivered. It still sits there in the piles there that we do have to look at right now.

One of the other issues that I have is with the ponds. I believe those ponds are significantly larger than originally intended. They were dug deeper than originally planned. I wonder if there is any plan to aerate those ponds or will those ponds just sit as collection spots? Do we know this?

JAMES MARTIN: Mr. Lindsay, is there --

DAVE LINDSAY: No plans to aerate the ponds. They were excavated a little deeper to provide siltation for construction.

JAMES MARTIN: But there is no plan to aerate?

DAVE LINDSAY: No. They're storm water detention ponds.

JAMES MARTIN: I think it is something that could be considered down the road.

MR. DUNNING: My concern with that is the stagnant water. That water sitting there, and the potential for an increase in the mosquito population come the warmer weather. We like to sit out in our backyard and the mosquitoes are already bad enough in the area. With the mosquito problems there are today, with the supposed West Nile, and if we increase this mosquito population, it seems silly, but it is an issue with ponds. I know stagnant water sitting, it has that potential, and mosquitoes come right along with that. Will there be some type of control with that? I know usually moving the water will help with that. Will there be some other type of environmentally friendly measures taken to control the mosquito population?

The other thing -- and this is something I would like to be considered. The other thing, we now have -- though they have left for now, we now have a new population of geese, which are kind enough to leave a nice mess on my backyard siding and roof as they fly over to land over on the property of this land.

Will there be anything done to control the geese? These are new. This is new since those ponds were dug. This was not a problem before. They were not there before these ponds were put in. This needs to be controlled. They make a mess. It is awful. It is just awful going out there.

KAREN COX: I guess I would make sure that nobody is feeding them, because they -- you know.

MR. DUNNING: I have not seen anybody out there feeding geese. They have been left to do what they want to do over there, but looking at other pond areas around other towns, um, come season when they fly back in, they're naturally going to go back to there. They are probably going have their babies and a lot of geese. Will this problem multiply? I'm guessing from what I have seen in other places, absolutely. It is a potential problem that needs to be considered.

DAVE LINDSAY: If I may, there are a number of things that can be done. From a Town standpoint, the Town's concern is storm water placement. They were designed for storm water treatment and management. As far as geese control, the property owner could leave the grass high around the pond. Certainly that would help with the geese. They typically don't like tall grass. And some detention ponds elsewhere around Monroe County, they use a small wire fence. The geese like to be able to walk into the pond and walk out, and it is extremely -- works very well. It works very well. It is certainly something we can discuss with the property owner.

JAMES MARTIN: I have seen devices as simple as a stripping or single wire that takes care of it.

DAVE LINDSAY: Yes.

JAMES MARTIN: Would you make a note of some of the comments, Chris (Kaurelis), the feedback? It is something to consider as far as The Fathers House goes, controlling the geese population. It is not a complicated or expensive measure, and certainly, I know aeration of the ponds, keeping the water moving does decrease the propensity for mosquito generation.

MR. KAURELIS: Mosquitoes are -- to educate the Board, mosquitoes are encouraged by small, shallow, warmer levels. The depth of the pools keep them cooler. There is always a

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ripple effect in the pond, which is a deterrent. They are generally found in low shallows of stagnant waters. Those encourage mosquitoes.

MR. DUNNING: The other thing I would like to bring up is the condition of the parking area and the mud that is generated up and down that section of Archer Road. Is there anything or -- is there anything we can do to make sure that that area is somewhat cleaned up? It has been very, very wet this year. It may be abnormal or not, but we're into the wet season. The road gets really messy up there.

KAREN COX: You can call the County D.O.T. to complain. I mean if there is construction going on that is following a road, there are inspectors that go out on a regular basis and investigate that type of thing.

MR. DUNNING: Thank you.

JAMES MARTIN: I think that is a Town road.

KAREN COX: Is that a Town road?

JAMES MARTIN: I think we have a provision that roads should be routinely swept, right, for debris and mud?

DENNIS SCIBETTA: Yes. During the construction phase.

JOHN NOWICKI: There are fill areas off new Chili Scottsville Road, and you can call the Commissioner of Public Works.

DENNIS SCIBETTA: We try to monitor it very closely.

JOHN NOWICKI: They will get them cleaned up.

JAMES MARTIN: There is a provision. If they're supposed to be doing that --

MR. DUNNING: There is nothing since day one that has been done for that, other than nature's rain, which we have had a fair amount.

JAMES MARTIN: I will ask Mr. Scibetta to follow up on that.

DENNIS SCIBETTA: Mr. Carr generally informs me if and when the complaints come in because they usually go to him and we address them at those times. I have not been made aware of any concern about that at this time. I'm not saying it isn't, but Joe (Carr) said nothing to me.

JAMES MARTIN: I ask you follow up with Mr. Carr and see whatever is supposed to be occurring over there is occurring.

MR. DUNNING: I wasn't here and I don't know if this is appropriate at this point in time, but I was wondering if the Planning Board could let us know where this particular project fits in the Comprehensive Plan or how this fits in the scheme of the Comprehensive Plan for a church on this particular piece of property.

JAMES MARTIN: That was handled as a grant of conditional use for that particular property. They obtained a conditional use from the Board, which allows them to build the church.

DON MAYEU, 154 Archer Road

MR. MAYEU: One thing I do have concerns with traffic is the people who leave the car right there with the flashing light, people are standing behind it, and you can't see. Move the car, shut the light off, get it off the highway. The biggest thing is with so many lights, cones, reflectors, you come up over the hill tonight, all I see is lights. Get some decent lights on the side. Turn them on when the church is open at night. As soon as whatever service starts, turn it off and when they go, turn it back on so I can see what is going on down there. Get less people there, less cones, less cars and there would be a lot less confusion, okay? I will drop that because everybody else has covered that.

Now the ponds, Dave (Dunning) has brought up very much an issue. On Archer Road there were never geese. Now there is all kind of geese. Geese eat grass. They cut the grass, and that is why they're there.

Now, the only other concern I have right now with the church is if you're going to have those two ponds in an area so close to where residential people are, put a safety ring of some type so if somebody falls into that pond, I can get that ring and do something. Just last week, the ice came over on there. Who is going to say some kid won't walk out on those ponds, where they're located, and fall in through the ice. It is not a normal place where a pond -- if the pond was way in the back where kids wouldn't go by, but there is traffic there, and I think some kind of safety device should be stationary by those two ponds because one is at least 20 feet deep, I would think, so...

JILL COREY, 19 Westway Court

MS. COREY: This may have already been addressed and I haven't been here, but what is the feasibility of using the traffic light that already exists at Archer and Paul to cross the church? I mean, I know the cut is up further, but since they have got all those earth-moving equipment out there, could they make a little cut to use that -- it is a temporary fix.

JAMES MARTIN: I don't know. It is something that Traffic and Safety can take a look at. I don't have an answer at this time. We could ask Traffic Safety to take a look at that possibility. Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would just like to go back to Mr. Dunning's question for a minute and Mr. Martin's answer.

Do I assume then the answer was the church did not fit the current Comprehensive Master Plan, at the time?

JAMES MARTIN: At the time it was zoned for residential use.

MS. BORGUS: It did not fit?

JAMES MARTIN: Well, if you want to look at it that way, I guess you can look at it that way. It wasn't destined or in the Master Plan to be a church on that piece of property.

MS. BORGUS: Thank you.

JAMES MARTIN: Move to close.

KAREN COX: Second.

James Martin made a motion to close the public hearing portion of this application, and John Nowicki seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

James Martin reviewed the proposed conditions with the Board.

JOHN HELLABY: I don't think it needs to be made a condition, but one of the residents did bring up a point with a safety ring, rope, or whatever. But I -- again, I know there are liability issues here. But it brings back memories with that young man that fell through the ice over there, the housing tract across from Bausch & Lomb. I don't know what the best way is to handle that situation, whether you want to maybe suggest to them or maybe the residents will take it upon themselves -- again, I don't think they should take it upon themselves, but it is an issue. Just something that somebody should look into.

JAMES MARTIN: Something the Church should look at. The problem is it pertains to 100 ponds.

JOHN HELLABY: How do you keep them off there? There are trespassing laws, but the ice freezes over and a brand new pair of skis, I can't wait to try it out and next thing you know is disaster.

KAREN COX: They might try to use the ring to mess around on the ice pond.

JOHN HELLABY: Short of an 8-foot fence.

KAREN COX: High grass.

JAMES MARTIN: I think they got the message about controlling the geese population, and you know their methodology. I don't think I will dictate. It can be a very simple process.

James Martin 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 the Board all voted yes on the motion.

JAMES MARTIN: Period of renewal?

JOHN NOWICKI: I have a problem with that only because of the phasing, construction issues that were brought up tonight. I wouldn't want to see us go too far.

DARIO MARCHIONI: They said in a year --

JOHN NOWICKI: I would be comfortable with a year.

JAMES MARTIN: We can certainly say a year, and hopefully when they come back, you know, a lot of these issues will be resolved. So I will say a one-year period.

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

1. Approved for a period of one year.
2. All previous conditions imposed by this Board remain in effect.
3. No temporary structures will be constructed on the site without proper permits.
4. Applicant should provide a stop sign at the parking lot exit on Archer Road.
5. Applicant shall conform to NYS traffic laws pertaining to pedestrian safety at the Paul Road crossing.
6. Cleaning of mud on Archer Road due to ongoing construction shall be done in accordance with Town Code. Please contact Mr. Joe Carr, Commissioner of Public Works/Superintendent of Highways for information.

5. Application of Pride Mark Homes, owner, 2024 West Henrietta Road, Suite 6D, Rochester, New York 14623 for preliminary subdivision approval of two lots to be known as Rochester Presbyterian Home/Pride Mark Subdivision at property located at

4416 Buffalo Road in R.M. zone.

6. Application of Pride Mark Homes, owner, 2024 West Henrietta Road, Suite 6D, Rochester, New York 14623 for preliminary site plan approval to erect 17 apartment buildings totaling 105 units at property located at 4416 Buffalo Road in R.M. zone.

Chris Kaurelis, Christy Stewart, Nancy Smith, Jim Barbato and Gary Barbato were present to represent the applications.

MR. KAURELIS: Good evening. Again, my name is Chris Kaurelis, Manager from Passero. We are here tonight presenting to the Board, to the Town, a project located at 4416 Buffalo Road. It is located on the northwesterly corner of Union and Buffalo Road.

The project in a whole -- I think the title of the project speaks well to the purpose of the project; to bring a residential community to this area. The current property is 20 acres zoned Residential Multiple-family, and I will step through the slide show.

The 20-acre parcel is cited on the property zoned Residential Multiple-family. We see this project as being the true meaning of good planning to the Town.

Currently adjacent and west to the project site, single-family Residential along the westerly portion and Slate Drive to the north. Along the easterly side of the project and south, commercially zoned properties.

What this project presents is a perfect transitional-zoned property conducive with the planned development you see before you this evening. This project will involve a subdivision. Two parcels in total. One parcel, the 13 town homes that will exist along the westerly portion of the project. The second subdivision parcel, which is going to associate the four multiple-family unit apartment-style homes on the easterly side of the project.

This is a proposed multiple-use residential development. The zoning is consistent with the project's proposal brought before you this morning. The two parcels. One would be a 13-acre parcel after the subdivision. The second would be a 7-acre parcel. The 7-acre is the apartments portion of the development. And again, we feel this project is -- is perfect in its transition from a single-family, lower-density residential, in a moderate to medium density residential, to your more impact commercial.

What we have here is the planned elevation for the element of the apartment style to the building. They're planning on bringing a residential feel to the whole project. Not the town homes themselves, but the apartments will have a true sense of community. So there is a nice assimilation between the existing single-family residence and what the Town has done with the Chili Town Plaza. A lot I envision in the same character of the Glue Factory to bring that true residential feel to the area.

The Pridemark community, the town home section of the project, the 13-acre portion of the development is a 57-town home unit proposed. Within that proposal, at the roadside, there will be a community center associated with the building, which includes a business center, gathering place and fitness center for use by the community associated with the project. Rent range for the project will be 1200 to 1400. This is a rental property for town homes. They will be ranch-type town homes. Two bedrooms, two bathrooms and two-car garages with numerous amenities within them.

The architectural element to the design, both layout and elevation of the building, it is very well thought out and very well planned. The single-story nature of this project is encouraging a senior base for use, which is also going to associate itself well with the senior apartments that are going to be associated with the second phase of this project.

This project does -- this -- it is going to involve a private roadway throughout the site. None of the roadway or utilities that you see on the project's plan are going to be dedicated facilities. These are all private facilities. All facilities are -- will be serviced by all public utilities. Each of the units will stand alone independent. No on-street parking. The on-street parking provided in the plan is to serve as surplus. Each of the units will have two-car garages and the ability to park an additional four people within their driveways that are planned for each unit, again, independent of one another.

Again, an elevation. They're planning on bringing a very aesthetically pleasing building to this project.

And then with each floor plan, independent -- two-car garages, two bedrooms, gas fireplace, number of amenities within the town home themselves. And again, all single story.

The second half of the project which we will speak to is the easterly portion of the project. It is a senior apartment, assisted living community that is going to be geared towards people with memory needs. So what this is going to have is an element of care that is going to be provided for the individuals that we'll have at the apartments.

The intention of the project for Rochester Presbyterian is to bring an Eden alternative concept. This is a group home living concept where they're independently living and function with seniors associated with their living space. So we'll speak to the homes and some of the benefits of Rochester Presbyterian homes.

Each of these units are going to work independently, 12 units within each unit. They are going to be collectively built out so they have an integrated green space with them. It is going to be landscaped. There is pedestrian access. The whole Eden concept builds off the fact, health to

the mind, health to the body, associated with the living quarters.

So again, four self-contained homes, 12 elders with memory impairment in each. Each person has their own bathroom and bedroom facilities. Central hearth, open kitchen and dining area. All of the amenities of home. Common living areas associated with the units as a whole. Family and friends are welcome to join any of the individuals at meal times. There is a clinic support team associated with the use and collaborated to create a daily routine that meets each individual's needs. This is really at each unit, each individual will have their own built-in schedules that are going to be monitored and so on. Makes the residents more independent. This is going to build out the facility as a whole, but it will — each unit will be built out as a home.

So the seniors won't feel like they're totally watched 24/7. They're independent. This enables the staff and elders to function as a family unit and the plans to collaborate with community and Roberts Wesleyan College to offer volunteer work opportunities. This will go hand and hand. A number of individuals have approached RPH on this project in full support and they are encouraged and enthusiastic about this being incorporated into the neighborhood. It allows the opportunities for residents to grow and elimination of the plague of institutional lives, loneliness, helplessness and boredom. This is for people of all ages sharing joys, showing respect for all.

The other element, they will have their pets, plants, families, everything that is welcomed to the space.

And we see they will have a proposal again as a very nice physical transitional use between what is existing on Slate and the west adjacent residential into what is going into the commercial element at Buffalo and Union.

Again, our access along Buffalo Road is separated from the major intersection. This project -- the impact on traffic is a lot less than what -- for what this property is zoned for at full development. Previous approvals on this project through the State Department have allowed trip generations well in excess what this project is proposing.

These individuals that will be associated with the townhome units are all going to be trip generators. What is happening on the second portion of the project, these seniors are going to generate next to no traffic to this project. It is something to keep in mind when considering SEQR on this project. And this is an area that is being recently redeveloped, so we feel this is a nice integration by design of this project to move into the Chili area.

What this project has done is a due diligence with the Town. We have taken steps with this project to insure that, one, the drainage planning we have taken into account and put into the plan. We have two detention ponds on the site. These will serve as storm water management areas. There is one along the east and one on the southwesterly portion of the project. There is a drainage divide on the project that causes us the need to have two storm water management areas. Direction from the Town staff to have our discharge be via an easement secured to the Town and preparations made along Buffalo Road for our storm have been made. Sensitive nature of existing drainage problems along our southwesterly area have been addressed. Collection and routing of those areas to improve low drainage areas have been put in the plan. We have taken steps in initiation of this project to make sure that the elements of our planning were all carefully designed and engineered.

Again, we're looking forward to this evening's meeting to have a review and approval hopefully from the Town. We have had brief conversation with the Conservation Board and we'll attend their meetings in January to get whatever remaining comments they have addressed, and we're looking forward to build-out in April of '07. Spring of '07, excuse me. This Pride Mark project looks to happen in two sections, and this senior section of the project looks to happen in one phase.

We're bringing this project to the Town. It is actually two independent projects, but the way the planning has to happen with the site, it has to be looked at as an overall picture, not each independent. That is why the Board is brought two separate applications for a preliminary overall approval.

The site -- tonight's meeting, we would like the Board to recognize that one, the drainage concerns and design and all this site is State DEC compliance with their Phase 2 regulations. Really, every aspect of the plan brought back this evening lends itself nice to a negative SEQR declaration. The impact of the traffic being less than what was originally approved to this site, overall drainage design being in compliance, and this -- this project will be brought back in individual steps for final approval to both the senior apartments as well as the town home units.

And Dennis (Scibetta), if you could bring the lights up.

Christy Stewart and Nancy Smith from Rochester Presbyterian Homes, and Jim Barbato from Pride Mark and Gary Barbato now also.

JAMES MARTIN: Keith (O'Toole), for clarification purposes, what we have before us tonight is a request for subdivision of the property in two separate parcels. Then we have a preliminary site plan for the townhouse. If we do the subdivision, and address the townhouses, but not addressing the Presbyterian Home portion of this tonight, our action of making the subdivision and then going ahead and just addressing the one aspect of the construction is proper?

KEITH O'TOOLE: Yes. There is no requirement that both lots be developed at the same time.

JAMES MARTIN: Okay. Thank you.

Couple of questions. Will that be slab construction on the townhomes?

MR. KAURELIS: Yes. Slab on grade.

JAMES MARTIN: No basements?

MR. KAURELIS: No basements.

JAMES MARTIN: Couple of comments that we received when we reviewed this at the DRC. Applicant, I believe, committed to provide a new fence around the community center; is that correct?

MR. BARBATO: We did on the previous application. We'll do the same this time.

JAMES MARTIN: We just want to verify that is still in effect.

The other thing is our Fire Commissioner was very concerned about single access to the property, particularly since, you know, you may have some people over there that are going to need emergency care. And asked that if it would be possible to provide a crash gate off of Keith Terrace or on the east side of the pond to allow a second access point to the location. So I will bring that up. It is a Fire Commissioner comment.

MR. KAURELIS: The east side of the pond you're speaking to?

JAMES MARTIN: The east side of the pond is a preferred location. There will be two access points to the site.

JOHN HELLABY: Jim (Martin), if I could interrupt, that is one of the things I thought about, is I thought that the preliminary sketches on this showed an access road coming in off that drive up by the water tower.

DENNIS SCIBETTA: That was the other project.

JOHN NOWICKI: That was the original -

JAMES MARTIN: That was the original plan.

JOHN NOWICKI: This is a different plan?

JAMES MARTIN: This is different density. They changed things dramatically.

JIM POWERS: Jim (Martin), as long as you're on that subject, Pleasant View off of Attridge Road is a cul-de-sac. Pleasant Drive off of Buffalo Road, down near College Greene has one way in. College Greene has one way in. Meadow -- Mayflower, where I am, has one way in. We're talking about 100, 100 units plus on the College Greene one and Mayflower, and I would hate to see particularly Keith Terrace extended in any shape or form.

JAMES MARTIN: We're not proposing that. I think he has already indicated it would be on the east side of the pond, not on Keith Terrace.

MR. KAURELIS: To speak to it, the reasoning behind -- working with this split boulevard approach, is to try to -- it is widened, but to also avoid one access point being blocked. So in the case of an ingress or egress being blocked here (indicating), there is always that second point of access available at the roadside for emergency vehicles. They could be coming in the actual exit, but that second point of access would be available with the splitting of the access from the community center to the roadside.

JAMES MARTIN: Okay. Thank you.

MR. KAURELIS: That was the reason behind the plan. Again, Keith Terrace, there is a substantial amount of grade change where Keith Terrace is available to the site. The grade change itself makes it an infeasible option.

JAMES MARTIN: One other comment. Again, coming from the Fire Commissioner, with the additional demand that may be placed on the volunteer ambulance service in the Town, request was made that some sort of commercial agreement be reached with one of the ambulance companies to service the Presbyterian Home so that, you know, our local volunteer ambulance corporation is not overburdened, okay, and so we would request that some sort of commercial contract be put in place to service this particular facility.

MS. SMITH: We currently have a contract with Monroe, so I am sure we could extend that to this property.

JIM POWERS: On the townhomes, there are no age restrictions; is that correct?

MR. KAURELIS: Correct.

JIM POWERS: The square footage on those units will be roughly what?

MR. BARBATO: 1264. 1260 square feet.

JIM POWERS: Is that for each and every unit in the townhouse?

MR. BARBATO: Each unit is 1260 square feet. Yes. Same design. Two-bedroom, two-bath, garbage, both with front covered and rear porch.

JOHN NOWICKI: All two-bedroom?

MR. BARBATO: Yes.

KAREN COX: Is there a proposed schedule or idea as to when each of these phases is planned for?

MR. BARBATO: We would plan -- in the overall project our plan is to have two phases of townhomes, the RPH portion of the project and our first phase would start at the same time. We would anticipate rolling right along with application for our second phase to continue construction right through.

KAREN COX: You find these types of units go fast when you're building them?

MR. BARBATO: Our feasibility study showed we'll have a good absorption and various draw and demand for them.

KAREN COX: I got to say this is a lot better than the proposal I first remember, and I like the idea of the Eden alternative. I think it is something that will be a nice plus to the community.

JOHN HELLABY: The site pretty well balanced as far as cuts and fills?
 MR. KAURELIS: Yes. We were actually discussing the cuts and fills. The earth is -- it is pretty close to balance on the site.
 JOHN NOWICKI: Conservation Board received the landscaping plans?
 PAT TINDALE: Yes. I spoke to Chris (Kaurelis) last week. I have to apologize to him. I was thinking of another project. The Board was very pleased with the landscaping plans on this project.
 JOHN NOWICKI: We're all set on that?
 PAT TINDALE: Yes.
 MR. KAURELIS: We'll look forward to the Eden concept because the architects or the landscaping of the actual EDEN concept itself is pretty -- it is a green concept that associates itself with the senior apartments.
 JOHN NOWICKI: Street lighting?
 MR. KAURELIS: Yes. If you looked at the plan, those are all shown throughout the site plan. Street lighting. There will be independent grade pedestrian access.
 You know, just to talk to Mr. Powers' comment, the town homes are not geared towards seniors, but they're designed to encourage a senior population.
 JOHN NOWICKI: Inside the town homes themselves, designed to accommodate seniors or handicapped?
 MR. BARBATO: Yes.
 JIM POWERS: You qualify, John (Hellaby).
 JOHN HELLABY: Nice.
 (Laughter.)

There was a discussion off the record.

JOHN NOWICKI: I think it is an excellent project. I'm looking forward to it.
 DARIO MARCHIONI: Just for review, the roads will be dedicated or private?
 MR. KAURELIS: Private.
 DARIO MARCHIONI: Are they going to have poles for the lighting or underground services?
 MR. KAURELIS: Um, lighting?
 DARIO MARCHIONI: I mean electric service throughout the whole project, underground?
 MR. KAURELIS: Yes. Everything underground. All underground electric.
 DARIO MARCHIONI: You mentioned the material for the structure is siding, vinyl?
 MR. KAURELIS: Hardy plank is associated with the RPH. Just to give a brief -- this is the RPH design concept. They're actually aesthetically making this as pleasing as they can. Their maintenance buildings will be carriage houses that associate itself with a junction on these buildings, so they're really looking at the character of these buildings. But hardy plank will be the siding. Vinyl to the town homes.
 DARIO MARCHIONI: Hardy plank?
 KAREN COX: Is that a wood look?
 MR. KAURELIS: Wood appearance.
 DENNIS SCIBETTA: It is a cement product that gives you a fire rating, as well. It is a very high-end product.
 MR. KAURELIS: For the town homes it will be vinyl. We'll bring back to this Board site, color selections at final.
 DARIO MARCHIONI: Roughly.
 MR. KAURELIS: Architecture shingles, correct?
 DARIO MARCHIONI: I see a lot of chimneys.
 MR. KAURELIS: There will be gas fireplaces with the town home units.
 MR. BARBATO: Direct vent gas. No chimneys in the townhouses.
 DARIO MARCHIONI: Heights of ceilings, eight or nine?
 MR. BARBATO: Town home, nine-foot ceilings.
 JOHN NOWICKI: Two architects. Fahey and SWBR. Fahey on the town homes?
 MR. KAURELIS: Yes.
 DARIO MARCHIONI: Little challenge there.
 KAREN COX: This is --
 KEITH O'TOOLE: No comments.
 DENNIS SCIBETTA: Couple points. To clarify the Commissioner of Public Works and Fire Marshal's comments that the access, the second access point must occur at Keith Terrace, not on the east side of the property.
 JAMES MARTIN: Well, my understanding was that --
 JOHN NOWICKI: We're not going to --
 JAMES MARTIN: -- you have an island between the two ponds where you're going to have second the access point?
 MR. KAURELIS: That is --
 KAREN COX: Was the Fire Marshal aware of the big elevation difference?
 DENNIS SCIBETTA: Yes, he is. Let me just qualify that. In the conditions in College

Greene, and several of the other ones that were mentioned before, there are secondary points of entrance and access to those, and they are protected by crash gates, arborvitaes in certain key areas in that the ordinary people do not know that this is used as a crash gate or has an access point and it is done that way on purpose to keep through traffic out of there. But they do take that into account. He does need, or he is requiring that there be a point of second access into this. The bridge over the pond does not qualify for vehicles. They're concerned with getting fire trucks. It does not meet the access, fire access roads. So it is not -- it is a point that needs to be clarified.

MR. KAURELIS: We'll work with the Fire Marshal on that. I think it is a matter of stability to bring it to code for the actual road itself. We'll work with him.

JAMES MARTIN: We just want to make sure that that access point works.

MR. KAURELIS: Yes, I am sure he will do the same.

JAMES MARTIN: Dennis (Scibetta), okay?

DENNIS SCIBETTA: Yes.

KEITH O'TOOLE: Excuse me, just to clarify, which access point are we -- are we indicating it is coming through Keith Terrace or not?

JAMES MARTIN: No. I think we're talking about the one that you're proposing to the --

MR. KAURELIS: To the east.

KEITH O'TOOLE: You mean onto the plaza?

MR. KAURELIS: Yes.

KEITH O'TOOLE: You don't have that permission. I don't think he has the legal permission to do that, nor do we have the permission to enter onto private property, emergency or otherwise.

JAMES MARTIN: Well, what is required in order to make that happen?

KEITH O'TOOLE: They will have to go buy access from the property owner.

DENNIS SCIBETTA: That is why it -- that is why a problem exists. That is why the Keith Terrace entrance is -- is the entrance that has to be used.

JOHN NOWICKI: We had the Keith Terrace entrance on the original proposal.

MR. BARBATO: We did.

FRED TROTT: You will get that equipment down -- to get to that access -- you're talking about big fire truck trying to get it down through there. How will you get it from the Towne Plaza in there? And make that turn? He will have to try to go under the canopy. I don't think the fire truck will make it under the canopy. Then you have to hope no dumpster is blocked in front of the gate.

JIM POWERS: How about the community center going in off of --

JOHN NOWICKI: What about the community center?

MR. KAURELIS: There is room here to connect up with the Town Community Center.

JOHN NOWICKI: Town property.

KEITH O'TOOLE: Then they can buy the access from the Town if they would like.

DENNIS SCIBETTA: The problem is, the theory is if there is something blocking the access, in case of an emergency, the Town -- that is not a viable second point of the access. It is in the same area. If there was a multi-car accident and -- and God forbid something at the plaza that was blocking this, they need an access point somewhere around that to get vehicles in.

JIM POWERS: Dennis (Scibetta), Mayflower only has one access road. Are we hiding one?

DENNIS SCIBETTA: I hate to disappoint you, but there --

FRED TROTT: There is one in the back.

JIM POWERS: Where? Mayflower?

DENNIS SCIBETTA: It's there.

JIM MARTIN: Can I resolve this at this point by stating that a second access point approved by the Town of Chili Fire Commissioner must be supplied to the site?

DENNIS SCIBETTA: By the Fire Marshal and the Commissioner of Public Works, because both have addressed this concern.

JOHN NOWICKI: Why can't they come off the Town property behind the Community Center?

DENNIS SCIBETTA: It becomes a point where if there was a serious enough disaster or something that it blocks that entire area, they can't get -- it is blocking that entire access, they have to be able to get around it and in at a different point.

JOHN NOWICKI: That could happen any place.

DENNIS SCIBETTA: If Buffalo Road was blocked off at that point, the whole not getting in a second point, they can't enter from Buffalo Road, they would have to be able to get around them.

JAMES MARTIN: So what I am writing is a second access point to the property must be provided and must be approved by the Fire Marshal, by the Commissioner of Public Works, Keith (O'Toole), and location approved by the Town.

DARIO MARCHIONI: Main entrance is back to a two-lane if that happens?

MR. KAURELIS: Dario (Marchioni), that is the intent of this design.

DARIO MARCHIONI: But if we get another access, main entrance --

MR. KAURELIS: I think they want to keep -- there are benefits to it.

JAMES MARTIN: Not talking about a second full entrance. Emergency vehicle crash

gate only.

DENNIS SCIBETTA: The Fire Department and Fire Marshal concerns, commercial agreement --

JAMES MARTIN: Took the wind out of your sails on that one.

DAVE LINDSAY: Still reviewing the engineering. For the SWPPP. There is couple errors in NOI. I think you put in the values for one of the detention ponds and not for both of them. That is all I have.

DENNIS SCIBETTA: I did want to compliment Mr. Kaurelis. They have done an excellent job and it's come a tremendous way in a short period of time. We appreciate your working with us. Very nice project.

JOHN NOWICKI: Very nice. Thank you.

FRED TROTT: Just to reiterate, it was the opinion of the Traffic Safety Committee with Joe Carr there at the time that Keith Terrace is the best access for the crash gate.

JAMES MARTIN: I am leaving that open to approval of the location by the Town.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

NEAL POLAIKIS, 4424 Buffalo Road

MR. POLAIKIS: My concern is the water that is going to be shed from this and the sewage. I notice the retention ponds are to the east, and from my experience, most of the water comes flowing to the west, down the back, and then through the backyards to Buffalo Road. Um, and I -- I am concerned that there aren't any retention ponds on the west side of this at all. Just -- we are on a bunch of springs over there, Hubbard Springs. I know my basement and quite often my neighbor's basement is usually flooded, as we -- you know, as things are now, and I did have part of my problem taken care of by the Town. They put in some piping for me a few years back and that took care of somewhat of the problem, but I am just kind of concerned if they're going to be producing any extra water or waste or -- I mean how things are going to be run, to where? I just -- to me, I think the retention ponds are in the wrong area from my experience of -- because any time it is really raining, you have a river running through it in the yard behind me. That is all due to the water coming from the field there, and I just -- I don't know if it is going to get worse or better.

JAMES MARTIN: Well, basically, you know, under -- under the law they can't have more water leaving the property, you know, after construction than is currently leaving the property. Hopefully the retention ponds will actually reduce the amount.

MR. KAURELIS: Um, Mr. Polaikis, there is currently a drainage divide on the project. There are a series of storm pipes with the project. We're using a low point on the south side of the site. This site drains -- believe it or not, there is a Town detention area, and part of our due diligence with this project is understanding from the Town that we could not work within that area because of what is associated with the commercial development. So there are provisions made along the State route that this discharge point -- this is our low point for collection, both of them.

MR. BARBATO: Can you see the second pond from where you're standing? There is another pond in the bottom left corner of the diagram.

MR. POLAIKIS: I was wondering if that was -- that is one.

MR. KAURELIS: These are State designed, to State criteria, and the runoff rate, which means the water leaving the site, will be less than existing.

MR. POLAIKIS: Okay. Great.

STU CHAIT, 21 Slate Drive

MR. CHAIT: First of all, I want to applaud Pride Mark for a project well done compared to what we saw a couple years ago.

MR. BARBATO: Thank you.

MR. CHAIT: Two questions or comments. I have heard landscaping go back and forth a couple times. I looked at the drawings in the Town offices today. I see a dark green buffer around the perimeter of the project. What does that signify?

MR. KAURELIS: The edge of the grading for this development, that will indicate the vegetation that will be kept. There are some substantial trees in this area that the project is looking to keep the limit of disturbance to a minimum so we can disturb those with the project. Again, the tree line along this area will be kept. So it just indicates where the edge of disturbance will keep whatever is natural to that area.

MR. CHAIT: Will any additional landscaping be added in those areas, because some of those trees are older, not in the greatest of shape and some of them are weed trees.

MR. KAURELIS: There are plant -- buffering plantings along east and west. Then there will be some additional plantings along the western side here (indicating), where it is not as substantial.

MR. CHAIT: Anything behind Slate Drive, in addition to what is there? Again, what is there, is -- they're not what I would call quality trees.

MR. KAURELIS: This is a new element here. A lot of Slate Drive build out, if I have some of the site pictures, a lot of these backyards, the perception of the project will be minimal. You start getting towards the lower end numbers on Slate Drive, this starts to open up. We

realize that impact is going to be softened. So the additional plantings in this area are warranted, but really through this northerly, and this westerly portion of the project, a lot of the vegetation there is dense. We're doing a good job in preserving the natural buffer.

MR. CHAIT: The other comment I have got, not to add any fuel to the fire, but when we were here two years ago as a representative of the North Chili Neighborhood Association, the residents on Slate Drive and Keith Terrace were vehemently opposed to the crash gate being located through Keith Terrace. We would like it located elsewhere.

RALPH SIMOLO, Keith Terrace

MR. SIMOLO: I live on Keith Terrace. I think the situation with the crash gate could be potentially dangerous. The reason being all of the streets back there, Slate Drive and Keith Terrace and so forth, the adjoining streets, none of them have any sidewalks. They don't have any streetlights or shoulders. There is a lot of pedestrian traffic on those streets. On Slate Drive there is a sign -- I believe it is Slate Drive there are deaf children. So emergency vehicles coming at a rapid pace through those streets I think could be very dangerous. I just think it is something that the Board and the developer should just be cautious of. Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: First of all, it's -- from what I understand, this is going to be senior housing?

JAMES MARTIN: Townhouses. It is not dedicated to senior housing.

MR. GINOVSKY: Not to senior housing. Okay.

Number two, with the -- for the Presbyterian folks there, you will have the ambulance corporation be taken care of by Monroe, did I understand that properly?

JAMES MARTIN: I understand that they will have a contract with the commercial ambulance service to service the facility.

MR. GINOVSKY: Okay. The next part is that pond on the south part of -- to Buffalo Road, that is all springs through there. Also on the corner of Hubbard and Buffalo Road, not only do you have what you're putting into the system, but what is coming down off Hubbard, Ramble Road, Buffalo Road. Point in case, the house that is on Buffalo Road and Hubbard, um, Robert Maryjanowski, his front yard, they might as well put that pond right there, because right now it is the same thing that is going on. Water comes down to that point, to that ditch, across Buffalo Road, and it goes all of the way back to Mr. Benson's property, which if the Board recalls back in the '80s, he had a lawsuit against this Town and after he expelled quite a bit of money, and gave up, you guys are intensifying this. I think it is adverse to these residents that are down on the bottom part of Hubbard and Buffalo Road. You're making their house a swamp.

The next part is, those big retention pond -- detention, excuse me, on the right-hand side there, backing up, it looks like close to the plaza, from this location, and it is going behind the -- over by the community center. You're intensifying, and you're causing another possible difficulty with the children, especially in the winter months here, to go ice skating. Something was made mention earlier this evening about someone falling through at Wellington. You're just putting more into it. You're causing more problems. This is not curing the problem of proper drainage districting. This here is intensifying.

Originally when that plaza was done with Mr. Perry, he had that water going over to Union Street and then draining down Union Street across Buffalo Road. You have changed the whole program here. I can't see where it is going to really benefit the area, and it is going to cause a bigger hazard. Someone is going to get hurt in there.

As regards to the Fire Department needing a second entrance into this, you're going to go over on Slate Drive and through the back subdivision. You have young children there with no sidewalks. That is totally unacceptable. Someone is going to get hurt. Again, it was mentioned going and cutting through, if you needed to, and this is an extreme emergency, through the community center section. I would say that would probably be more of a stronger possibility and keeping it out of a residential area. And -- because we have got seniors walking, kids and seniors both walking their dogs on the side street with no sidewalks. It is unlit. It is totally unacceptable.

And there is only limited accessibility to that water tower in the back, and from what I understand, that is slated for a replacement for a larger one. You're banking on a real dangerous situation there.

Getting back to the drainage, that is my main concern. Everything is filtering down that one corner there on the bottom left. That is totally unacceptable. Just last week when it rained, you had probably a foot and a half of water and it was flowing. I mean fast. You could white-water on it. And I would like to see something better done on this -- for the drainage. Ponds, not fencing it around there. You're going to get somebody climbing in there. And even though we do have an ordinance against snowmobiling, I will guarantee you someone will be flying through there.

Now, the next part is, I saw on the presentation Roberts Wesleyan. Is Roberts Wesleyan going to be sending their security guards over here patrolling this area?

JAMES MARTIN: No.

MR. GINOVSKY: Anything like College Greene?

JAMES MARTIN: It's not part of their plan.

MR. GINOVSKY: Well, I hope not. Because they are over there chasing people around on

Westside Drive and Buffalo Road telling them to slow down, which I don't think is really right. We have the Sheriffs for that.

But getting back to the ambulance corporation, Chili is only rated to do transport for non-critical. I know that for a fact because my mother got sucked into it.

JAMES MARTIN: I think that has been adequately addressed.

STEVE GINOVSKY: I don't believe it has been.

JAMES MARTIN: They will have a commercial contract with Monroe Ambulance. That has been adequately addressed. I don't think we need to dwell on that point any further.

MR. GINOVSKY: Also, when they go in there with their sirens and you have a residential area, at all hours of the night, I do think there is going to be a problem. Excuse me. I have the table. This is a Public Hearing. I would like to have it addressed.

JAMES MARTIN: You're dwelling on an issue that we have already taken care of.

MR. GINOVSKY: No, it has not, because it has not -- this is a Public Hearing, and it is still open for discussion, Mr. Chairman.

JAMES MARTIN: All right. Please continue, but, you know, let's focus on something new.

MR. GINOVSKY: I am. Drainage. You have a direct problem there, and you're going to be adding more to it. And also, with the emergency crash gate, and this Board should not, and I do repeat, not pass this through until everything has been -- all of the T's have been dotted and the T's have been crossed as accessible. Two proposals were made out. One going using the -- possibly the back part of the plaza. That has not been expelled totally, and also the other part there with the community center. Those two points have not been done. Not until that point, I don't think this should be passed, as it stands. Thank you.

CLIFFORD FOOTE

MR. FOOTE: I live right next to -- my house is the first house, and I want to use the map, because otherwise it is a little difficult to explain.

Approximately from here down (indicating) flows this way. The water flows down right into my place. Mine is the lowest. This is lower than mine. Mine is the lowest.

And also, when they put the pavement in here (indicating), the houses in here (indicating), you will have a lot more overflow. I'm concerned about whether or not they're putting drainage here (indicating) to bring the water down and not coming off the property.

JAMES MARTIN: I think the drainage design is calculated to contain any water generated on their site -- on their site and hopefully will alleviate some additional water that is already flowing down in that direction.

MR. FOOTE: They will have drainage behind the townhouses?

MR. KAURELIS: I will speak to it. I think it has been brought up a number of times. I applaud all of the neighbors for bringing it up. Water sitting in an area, is pretty evident designed it's in the right spot. The rate of runoff in existing condition has to be brought to at least that, if not better. What we're doing with this project is improving that rate of runoff from the site because we're reducing it.

Mr. Foote is experiencing a problem where this management area is going to help him out. The drainage through this back lot area, there is a swale through this area (indicating). I spoke to the drainage divide. They are collection systems. We'll be piping on the low points to get that water away. We're trying to help the situation. One of the things in doing our due diligence with the Town is they mandated we do that in our planning. We're trying to help and be good neighbors with our drainage pipe on the project.

MR. FOOTE: The prior project did not have any wooded lot here. I see this is wooded. I have to address it to you. There are a large number of old trees in here. Are they all going to be kept?

JAMES MARTIN: I think the comment earlier was they're going to maintain as many of the trees along the property line as they possibly can. I can't guarantee there won't be some that have to be disturbed, but they will be maintained as much as they possibly can.

MR. FOOTE: As long as they don't tear the trees down. It doesn't make sense. The last one was going to tear the whole trees down.

CYNTHIA KELLOGG, 92 Hubbard Drive

MS. KELLOGG: Spoke of the development being done in two stages, I think? I was wondering if he could elaborate on that a little more and how long each stage would take to complete.

MR. KAURELIS: The project, they're looking at the separation of projects in two sections only for the reason being once the project, Section 1 is done and that is saturated, they will immediately construct the second section. The build-off we spoke about was 50/50. So the first seven buildings go up and the last six going up in succession. But again, what you see as far as your network for road and that is going in in the initial stage of the project.

MS. KELLOGG: Give me a time frame. What are you talking? Months, years?

MR. KAURELIS: Spring '07 starting on the project. So realistically, this section of the project will happen with this first phase, this first section.

JAMES MARTIN: What is your proposed build-out?

MR. KAURELIS: Time frame construction, a year to 18 months.

KAREN COX: It all depends -- some of it depends on how fast the units are purchased.

MR. BARBATO: We anticipate the absorption of the units to allow for about 18 month build-out with good absorption rate. I could extend on the long end to two years or two and a half years on long end, but I won't anticipate that.

MS. KELLOGG: Will you build on Westside then or aren't you sure at this point?

JAMES MARTIN: Just demonstrate, you know, how you will phase this. I know you did it before, but could you go up to the map and show where you will build first and second?

MR. KAURELIS: The initial phase of construction, these are mandatory to put in. Our drainage goes in access roadways. Then we're looking at the two, four, six, potentially the seventh with the first phase of build-out.

DAN SCALLY, 40 Keith Terrace

MR. SCALLY: I'm a homeowner at 40 Keith Terrace next to the water tower. Absolutely opposed to the crash gate located at Keith Terrace when there are two other options that don't involve residential. That area there, there are a lot of children around there. It seems to me the other two options will be more viable.

JAMES MARTIN: That will be explored. I can't guarantee anything, but they will be explored.

FREDERICK FARNUM, 42 Keith Terrace

MR. FARNUM: I commend Pride Mark for a quality building. Nice looking place. I don't know about the drainage. I'm opposed to a crash gate off Keith Terrace for several reasons. Number one, it will destroy the little green space we have left, as you see on the map there.

Number two, there are better options and we don't need emergency vehicles screaming down Keith Terrace when it becomes a place that is more easily accessible.

MARK BARRY, 102 Hubbard Drive

MR. BARRY: Last night's meeting there was a big issue about lighting and spillage into the neighboring properties. I'm wondering about this new neighborhood going up and the lighting they will use and how much of that will spill out into the residents, into our backyards at night and what kind of lighting they will use, intensity. That was first point.

The other point, I wanted to find out the distance between my property line and say the back of the building, if they're going to install that -- that variance there. Also, the variance between the front of their building and the roadway they're going to use. On that print there, it shows like a 40-foot separation between the road in front of the building. One of the meetings they had, it was supposed to be up to like 75 feet. I'm not sure how that is going to work out. I'm also wondering, as I said before, about lighting, if there is going to be lighting on the backs of the building. Are they going to illuminate and bleed out into the other properties?

JAMES MARTIN: Thank you for your comments.

MR. KAURELIS: Mark (Barry), could you point out where you live again?

MR. BARRY: 102.

MR. KAURELIS: Where is it on the map?

MR. BARRY: I can show you. I'm behind this building (indicating).

MR. KAURELIS: If I give you a couple measures, this is going to be better than a 40-foot setback, close to 50 feet. It looks like, if I were to use 50 feet, you're 150 feet off that back line. Better than 200 feet from your --

MR. BARRY: I'm at the property line actually.

MR. KAURELIS: Roughly 50 feet to the property line. It has to be at least greater than -- 40 feet by code. The frontage of the units to the edge of pavement is 40 feet.

MR. BARRY: The lighting, will they have these all lit back here for security purposes? Will it bleed out -- I know last night, the meeting, there was a big deal on the lighting.

MR. KAURELIS: There will be residential lights on the back of the units. The only site lighting will be low level street lighting associated with the driveways, the roadways to the project.

SABRINA HENNEMAN, 122 Stryker Road

MS. HENNEMAN: I just need to look at the map. I understand that is the drawing for the townhouses. Is this the drawing for the seniors?

Um, my comments are directly related to the architecture since that really hasn't been brought up a whole lot. This was made reference to being in the vein of the Glue Factory and that kind of thing, I think. With the whole carriage house style. Um, more community living. I think this looks fantastic.

However, no offense to the architect, who may be here. I find that townhouses, apartments, are really lacking. I mean you put something like that next to this, that kind of almost looks cheap and -- it just -- they don't blend together. There is not cohesive feel. It looks like two different kinds of things and it doesn't create that blend community. This appears so much more attractive with the bay windows. And -- I just think this looks a whole lot better than that (indicating). I know that there has been a lot of interest in maintaining good architectural standards and that looks so much better than this. Again, not to offend any of the architects who are here.

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MR. KAURELIS: We'll work to put some vertical elements and aesthetics into the building. We think they're attractive buildings. There is some shingle shake to the buildings. There are additional architectural elements and again, RPH is doing the same, trying to keep the residential character. Thank you for your input.

DOROTHY BORGUS, 31 Stewart Road

MS. BORGUS: I see in Application 6 that it is for preliminary site plan approval to erect 17 apartment buildings, but this gentleman keeps talking about 13.

MR. KAURELIS: The four units, the four town home units will be the -- the apartments,

the rentals.
The rental town homes. Then there is the four, so there are 13 town homes and then the four apartment buildings.

MS. BORGUS: You're including the Presbyterian Home part?

MR. KAURELIS: Yes.

MS. BORGUS: Okay. Thank you.

ROSEMARY MANNER (phonetic), 72 Hubbard Drive

MS. MANNER: We have lived there a long time, over 50 years. And we have walked through the fields and we know how wet it is, and it is springs there that drain down to Buffalo Road. We're wondering if the DEC and people like that, the Conservation Department have approved of their plans for running tiles or drainage and so forth in, and the ponds that you have, will they be adequate enough?

MR. KAURELIS: There is a permit process with the ponds and the drainage on site. That is through the DEC. You're correct. They have to obtain a permit with this project.

MS. MANNER: Do they have it now, or still in the works?

MR. KAURELIS: This is part of their process. So after the approval, it is mandatory they get that prior to construction.

MS. MANNER: Yes. So --

MR. KAURELIS: That has to be.

MS. MANNER: It is in the works. So nothing can go ahead until that has been approved?

MR. KAURELIS: Yes.

MS. MANNER: So it is still if. Thank you.

MS. KELLOGG: Maybe I haven't been paying attention, but -- so the 13 buildings are going to look like that (indicating)?

MR. KAURELIS: Yes.

MR. KELLOGG: Oh. And the other things that will look like that are the Presbyterian Home buildings?

MR. KAURELIS: Correct.

JOHN KELLOGG, 92 Hubbard Drive

MR. KELLOGG: I think the Board members need to -- as much as we have talked about the drainage, um, Lamberton's backyard will have a foot of water in it after a rainstorm, and it can't -- it is on the south side of Buffalo Road. But it is coming from the north side of Buffalo Road. And I really think somebody needs to at least take a look at that after a rainstorm sometime because I don't care what you say about how the drainage is going to be handled by that little retention pond, that is just not going to happen.

JAMES MARTIN: I think our Commissioner of Public Works is well aware of that situation. And it is being addressed by the engineering aspect on this project. And at some point in time I think we have to trust engineers that they will design something that hopefully -- not hopefully will work, but alleviate some of the problems south of Buffalo Road.

MR. KELLOGG: Didn't the State do a bunch of drainage work in there?

JAMES MARTIN: Yes.

MR. KELLOGG: Didn't help.

KAREN COX: They don't usually design their systems to try to alleviate major drainage problems on outlying parcels. Their drainage design deals with the water that they would expect -- that comes into the road now. So in other words, they're not in the business of -- they lay out their drainage based on the same type of principle, but they don't address -- you know, they're not in the business of trying to make things perfect. They're in the business of draining their highways.

MR. KELLOGG: I realize that, but right now it drains to the south side of Buffalo Road. All they accomplished was getting it underneath Buffalo Road.

KAREN COX: Correct. That was the existing drainage pattern. So they can't -- they designed it to convey what was there under the existing and not make it any worse.

MR. KELLOGG: I can appreciate that. I -- when you put all of this blacktop and roof down, plus the springs, I hope the engineer designs it right, or Mr. Lamberton is going to be floating. His house is going to float away.

JAMES MARTIN: Move to close.

DARIO MARCHIONI: Second.

James Martin made a motion to close the public hearing portion of this application, and Dario

Marchioni seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: As far as SEQR, we have been given part one of a long form environmental assessment form. Hopefully everybody had an opportunity to review the information contained within that form. At this point in time, I would make a motion that based on the input in Part 1 of the long form EAF, that this project will not result in any large and important impact and, therefore, is one which will not have a significant impact on the environment. Therefore, a negative declaration is in order and we find this to be an unlisted action.

JOHN NOWICKI: So moved.

James Martin 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 the Board all voted yes on the motion.

JOHN NOWICKI: Waive final?

JAMES MARTIN: No. Not waiving final. Fees have not been paid.

MR. KAURELIS: They have paid their fees.

JAMES MARTIN: I don't think we should waive final.

JOHN NOWICKI: Just talking on the subdivision.

JAMES MARTIN: On preliminary subdivision waiving final, we are going to waive final.

The Board indicated they had no problem with that.

DECISION ON APPLICATION #5: Unanimously approved by a vote of 6 yes with the following conditions:

- 1. Pending approval of the Town Engineer.
- 2. A second access point to the property must be provided and must be approved by the Fire Marshal and Superintendent of Highways/ Commissioner of Public Works in a location approved by the Town.

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

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

- 1. Pending approval of the Town Engineer.
- 2. A second access point to the property must be provided and must be approved by the Fire Marshal and Superintendent of Highways/ Commissioner of Public Works in a location approved by the Town.

The 11/14/06 Planning Board meeting minutes were approved as submitted.

The meeting ended at 10:10 p.m.