

CHILI PLANNING BOARD  
April 13, 2010

A meeting of the Chili Planning Board was held on April 13, 2010 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: George Brinkwart, Karen Cox, John Hellaby, Steve Hendershott, Dario Marchioni, John Nowicki and Chairperson James Martin.

ALSO PRESENT: Ken Hurley, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways, Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Pat Tindale, Conservation Board Representative; Brad Grover, Traffic Safety Committee Representative.

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.

JAMES MARTIN: In the back we have Chairman Paul Bloser from the Zoning Board of Appeals.

I will make a slight change in the agenda tonight. Perhaps if there is a representative here from New Hope Community Church, could they come forward?

No one responded.

JAMES MARTIN: Seeing none, we'll proceed then to the Public Hearing portion of the agenda tonight.

There will actually be several components under this Public Hearing portion tonight. We'll be hearing Applications 1, 2, and 3 simultaneously.

1. Application of Midlakes Development, 758 South Avenue, Rochester, New York 14620, property owner: Howitt-Paul Road LLC for preliminary subdivision approval of 112 lots to be known as Greenwood Townhomes at property located at 741 Paul Road in RB w/PNOD zone.
2. Application of Midlakes Development, 758 South Avenue, Rochester, New York 14620, property owner: Howitt-Paul Road LLC for preliminary site plan approval to erect 110 townhome units with a 3,500 sq. Ft. Community building at property located at 741 Paul Road in RB w/PNOD zone.
3. Application of Midlakes Development, 758 South Avenue, Rochester, New York 14620, property owner: Howitt-Paul Road LLC for preliminary site plan approval to erect 9 commercial pad sites totaling 50,350 sq. ft. (no pad sites with more than 10,000 sq. ft.) for retail/commercial space at property located at 741 Paul Road in RB w/PNOD zone.

John Caruso, Jess Sudol, Betsy Brugg, Jack Howitt and Frank Imburgia were present to represent the applications.

JAMES MARTIN: As part of the Public Hearing tonight, we'll also be entertaining request on part of the applicant to consider a 278 cluster, along with the subdivision approval tonight. And also during the Public Hearing, if there are any issues around the environmental quality review process, they will also be entertained. We have to make a SEQOR determination tonight on this application, so we'll be hearing all of those components simultaneously.

MR. CARUSO: Thank you.

I'm John Caruso with Passero Associates, and I see that you have some folks tonight from the public, so I'm going to just go over the plan a little bit. I would like to start by thanking the Board for working with us. We started this application process back in July of 2009, and during -- during that time to this time, we have been through four different conceptual designs and working very closely with this Board, and I just wanted to say that we appreciate the opportunity to work with you to get this plan tight, and I think it is also important for the public to know that this thing has really been turned and being looked at and we kicked all of the tires and checked all of the bolts on it.

From our side, too, and I want to say it on behalf of Jess (Sudol) and Betsy (Brugg), who has been working with me on the team, we're very proud where we are, with you.

So with that, I will just show the parcel over here (indicating). This is Paul Road (indicating). This is the senior housing component of the project (indicating). You can see that

we have redundant access in and around (indicating). This is the commercial component (indicating). We started out with 120 units, and we whittled down through the design phase to 110 units. But we started with 56,000 square feet, 58,000, and we're down to about 50,000. And if you remember, there was a little jockeying in the last few modifications that we had, to increase some green space in the front area, but we also reduced the density.

So we removed some units from this area (indicating), and we redesigned it, and so this is probably the most recent and biggest challenge that we face, and we're able to overcome that. That was back in January.

So since January, we have been designing the project, at the preliminary design level. All of the things we worked hard to get we have been able to maintain into the design. One thing that did get better, we were actually able to put our finger on all of the technical aspects of the project.

If you recall, when we met in January, we had the original comments from the Highway Department. We color-coded on the ones we did and the ones we were still working on and we showed you that. Now we have not only incorporated these into there, but we're down to like a couple pages of small item comments, and I am sure you have those from the Highway Department and the Town Engineer, which is right where we want to be and where we should be at this point in time.

So I'm going to just take you back and remind you of the work that we did together in January. It is almost the same presentation. Just an hour and 55 minutes shorter. So in five minutes I want to sort of recap some of the big places we went in January. It has been four months. I thought it was worth doing. It is the same outline I had in January, even dated the same, but I thought I would do it to remind you some of the headway we made, because it really made this plan what it is and allowed us to move forward into it.

So again, it is very much the same presentation, but here we go.

The -- we met with the Planning Board and -- prior to that in November and December, and we decided that we really needed to get some more room in between units. So if you might recall, we had handed out this plan here, and we just did a blowup, and we showed you where we were getting 30 feet up to the roadway. You wanted more room in the front yard. We were able to do that, and we also offered a 4 1/2 foot treed lawn area to -- between the roadway gutter and the sidewalk. We were able to introduce some green in there and the sidewalk system.

So where we started out before with like 22 feet right from the gutter into the building, we wound up with 4 1/2 foot of tree line, a full 5 foot sidewalk and a full 20 foot in front of the yards and it really broke up the east and west position with the project. We never really had any problem with the spacing unilaterally with the roadway. It was always in this direction (indicating). You wanted more room and we were able to overcome that. It was a real big move in the success of the project.

So that was one thing I wanted to point out.

The other thing was that the sidewalk system, we -- we were able to put a double sidewalk system up in the core area. We -- we extended sidewalks all of the way down, and there's a sidewalk along the frontage of Paul Road that we propose to construct. That would be a public sidewalk. We would put it under easement to the community, and that is our intent.

And it was always our intent to have a sidewalk system that went through the whole entire project, up to and including the commercial area, and out to Paul Road.

So that is a concrete sidewalk. You know, one that is maintainable. Then we also had some path trails we call them, and we were not sure as to what we were going to do with them. We were going to stone them, but it wasn't highly received, so we decided we would put asphalt, and you also got a double bang for our buck out of that. We're using that -- that path to delineate the edge of the wetlands in that area, so people know beyond that, you know, you shouldn't be going in there. And I think that was also received well.

Um, we offered up, and provided as part of the design, a 25 foot setback along the entire perimeter of the wetland, and I think the significance there, it is not required, but it was -- it was a good thing for us to be able to do, with the modifications that we made to the density on the project, and that 25 foot setback, it really allowed us to have the separation, I think, that gave the Board a little bit more comfort in trying to preserve and stay out of the wetlands.

And while we're talking about the wetlands, I would like to also add that from all of the past designs and proposals that came before you on this property, this is the least intrusive design that you will see moving and working in and around the wetlands of this property.

So the only -- the only disturbances we have is where we cross it. It requires we go to the Army Corps of Engineers for a permit. We have already started the application process. We met with the Corps already and we're in the midst of submitting our application to get the disturbance for these culvert crossings.

And I just wanted to bring up one other thing Jess (Sudol) asked me to address with his dealings with the Town. Somewhere, somehow, somebody mentioned that we might be clearing out the wetlands.

And I just wanted to publicly state, we have no intentions. We have really sought to avoid disturbance to these wetlands and from all of the Boards that have walked the site with us, if you recall, the Planning Board and the Zoning Board both walked the site with us, and -- the little meetings we had, it was very important for us to maintain the wetlands because you can't see through to the commercial area. We have the natural buffering, the natural part, and trying to keep what the intent of the PNOD was, was that transition, and so we certainly don't have any -- any intent to clear the wetlands.

A couple other things, and then I am almost done.

The -- the Town Board -- or Planning Board had asked us, with this new sidewalk system, could we add some more park benches in the areas that are gathering areas and so we have. Along with this we added several more park benches so people can walk and sit. This is a senior housing project, and so it was an easy thing for us to do.

We also added overflow parking, more than what is normally required, because kids and cousins and relatives come to visit the seniors here, so we a 4 1/2 unit -- 4 1/2 stall per unit ratio on this parcel. That is unheard of. We did that not only with the driveways and two-car garages, but we also have sprinklered in and out little stationery parking areas and that is where you asked us to take the sidewalk around it. One of the technical comments.

There was some retaining walls that some of the technical consultants thought were out of place. We have eliminated those. Of course, we have provided storm water management in three areas, and I think we have combined some so that we don't have as many as we had before. And of course, the storm water management areas will be following all of the regulations required, even the new ones that are coming out this year.

We were able to maintain a 25 foot setback along the perimeter. That was very important because that backs up to Archer Meadows. It was approved in the back, and then this is an empty parcel on The Fathers House (indicating).

And then lastly, regarding the comments that we addressed with you in January, there was the technical -- the technical aspects. There was a long Town Engineer letter. We addressed that in writing and then we have addressed it again into the design. So I just wanted to mention that. I think I mentioned it a bit earlier. But the biggest modification we made was the redesign of the front area to be a little more objectionable -- non-objectionable to the residents and the view along Paul Road.

So there are a few more comments in working with the Town that we found out recently. I want to add them to our presentation, because I know the side table will be looking for us to talk about that. One of them was emergency access around the entire site. We will offer and propose to add an access easement over the roadways, so that Town equipment, emergency access, can come onto the property to get to the utilities that are there, if they need to, or to the culverts where, you know, a creek goes through, and so that is an easy thing for us to also provide.

With respect to public safety, we have a sidewalk system as I pointed out earlier. We'll be maintaining that ourselves, but one of the questions that came up, similar to what is going on over at Pumpkin Hill, is we will be asking the Town for enforcement of speed limits and putting up traffic -- or traffic safety signs, and I guess in order for us to do that, we would have to petition the Town Board and ask them to consider that, and so we'll do that. Okay?

And then finally, with respect to the Architectural Review Board, Jess (Sudol) has been working with the Conservation Board and Pat Tindale, but we also have had our architect dealing with the Architectural Review Board. They have issued a letter that you may have a copy of, and we have no problems complying with all of that. I think the most notable one for the Planning Board's sake is that these buildings here (indicating), these -- these are the duplexes that are referred to in the letter that have the long flat face on them.

John (Nowicki), this is a question you have asked me on several projects before. Can we break that up? And we certainly can. So we're going to provide an offset on the middle of that unit, to break that up a little bit, and by putting the corner dressing on it and all that, it will break it up. I don't know if you can notice, but in the design plans you have in front of you, Jess (Sudol) was able to work in that small area a small landscape berm that we're going to be screening. So irregardless whether they could see it or not, we're going to do both. That is something that is new to the plan.

So, Mr. Chair, I have sort of gone through quickly where we left off and some new items. I would be happy to answer any questions of the Board or -- or from the public, and of the side table, if you wish.

JAMES MARTIN: Thank you, John (Caruso).

Um, I'm going to go right to the Board at this point for any questions or concerns. I have jotted down a few notes here, pending conditions, but we'll get to those later on. Maybe there will be some new ones that come up as we go along here.

STEVE HENDERSHOTT: I really don't have any questions or concerns, but I just compliment you, John (Caruso), on working with the Board and making a lot of these changes. It was a lot of work to redo it, and I think it looks pretty good. That's all I have.

KAREN COX: I would echo what Mr. Hendershott says. We really appreciate the work that you have put into addressing our comments, and I really -- I like the sidewalk along Paul Road. I think it will get a lot of use.

MR. CARUSO: Yep.

JOHN HELLABY: Same thing. You've come a long way. You have done an outstanding job. (Inaudible) questions that can be answered, I think we're in good shape, as far as I'm concerned.

JOHN NOWICKI: Same feeling. I think John (Caruso) and your staff you have done an outstanding job on this thing. I have to agree with Al (Hellaby). I feel very comfortable with Mr. Hurley, Mr. Lindsay and legal counsel advising us over the months and comfortable where we're at and where we're going.

I wish you and Mr. Howitt and Mr. Imburgia great success.

MR. CARUSO: Thank you.

GEORGE BRINKWART: Well, John (Caruso), you're batting a thousand, because I think

you are doing an excellent job here. Nice set of plans. You have incorporated our concerns, addressed our concerns. It is looking real nice.

A couple of questions. Conservation Board asked about putting up some signs for the wetlands. Are you on the same page as them on that?

MR. CARUSO: The placards?

MS. FRANK: Yes.

MR. CARUSO: You know it is a common practice, George (Brinkwart) -- I know there are some people here, so I will elaborate.

It is common practice to put a 4 by 4 post and a plastic note on top of it on why it is there. It demarks this area here (indicating) as a federal wetland and you're not to go in or disturb it. So we plot those posts in and along those areas.

If it was a residential subdivision, you do it at the property corners.

GEORGE BRINKWART: One thing I did notice, actual, on the second page, I think you talked about that before.

You still have the wetlands delineated indicated as April 21st, 2003. I think I actually saw the letter that you got from the Corps that says you're good until 2010. I think it would probably be a good idea to get that on there.

MR. CARUSO: You're right. We'll do that.

GEORGE BRINKWART: The other thing I have a question about was on the grading plan, you still indicate the side slopes for the pond as 1-on-3 side slope. I think we had discussed doing 1-on-4 in lieu of putting in a safety bench. I don't know what your thoughts were on that. I think I would lean towards the lesser slope, especially since we're having close proximity to the senior -- senior living area.

Have you given that any thought?

MR. CARUSO: You know, it is not that I haven't. I have been letting Jess (Sudol) work that out with the engineers, and I'm sure they are making and having dialogue on that.

Sometimes if you run out at 1-on-4, it makes the grading a little too close to the unit and they may elect to say let's just run it flatter and then be a little steeper because it will be under water anyway. I don't know. I guess I don't care to elaborate on it, George (Brinkwart), so I will ask these guys to work it out.

GEORGE BRINKWART: I will defer to engineering and DPW on that, as well.

My only thought was if the guidelines say we need 1-on-4 or deeper with the safety bench, I would like to err on the side of the safety and incorporate one or other of the features. I guess that is my thought on that.

MR. CARUSO: Okay.

GEORGE BRINKWART: The other thing I have a question about -- you show a hydrodynamic separator in the development to the north there, the -- the business area. It is my understanding, and the side table, correct me if I am wrong, but those hydrodynamic systems are only used for redevelopment, not for new development. Have you given any thought to possibly putting in another acceptable storm water feature in lieu of that?

MR. CARUSO: In the commercial area you're talking about?

GEORGE BRINKWART: Yes.

MR. CARUSO: Well, let me say this: In the storm water management where a lot of it is guidelines and sometimes you try to put in the best solution for the situation, and -- so I guess Jess (Sudol) -- Jess (Sudol) has told me about that, and he's looking to, you know, continue his discussion with the engineers on whether that is an appropriate application or not.

It just -- the area is so tight that we may not want a pond there, because it will just go like this (indicating) down into the ground. For the same reason you said to me a minute ago you would like to have them (indicating), that is why he doesn't want a pond there. We try to meet code, but we also don't want to create a safety situation with that, as well.

GEORGE BRINKWART: I agree. I guess I will let you hash that out with engineering, as well, but I was just curious what you planned for that.

MR. CARUSO: It is one of the things when you get down and get tight and you need a little innovation rather than just another pond or hole in the ground.

GEORGE BRINKWART: I guess I just brought it up, because I wanted to be sure that it didn't somehow negatively affect the layout that we have. That is basically all we have.

MR. CARUSO: All set. I hear you.

DARIO MARCHIONI: John (Caruso), I would like to echo the same compliments. This -- this is an awesome project. But I still have a problem with the Paul -- the Paul Road and the traffic and -- do you foresee the future widening of that road? Is there enough land on -- this this project will set aside at least for a two-lane, for the center passing lane, Paul Road? You still have property further down, The Fathers House, that will probably be developed. And also, I would sure like to see some improvement on Paul Road. The County doesn't have any money. Is there any provision, even for widening Paul Road property that is left -- in other words, you have a sidewalk there, correct? How much land is between the sidewalk and the entry road to allow for another expansion of that road?

MR. CARUSO: I hear what you're asking me. Let me say this: I haven't found that Paul Road is to the point where they need to do a center turn lane all of the way down Paul Road.

Although, there are times where -- where I am sure people get caught behind another vehicle turning. Thank God that The Fathers House is sort of a non-peak user as opposed to being in the midst of traffic that comes up through there when they move through the corridor.

But I think it is more interesting to say that -- and I didn't say it in my original discussion

tonight, but one of the traffic improvements that we think we're -- we might see there in the future is a signal light at the intersection of -- of Wegmans and Paul Road. And that is something that if people have been talking about and going back and forth with Target, and part of -- you know, our approval, this Board asked us to go meet with Wegmans to see if we could solidify an agreement with them, and we have been very fortunate to do that at this point in time. So there will be an improvement at some point in time. It might not be this month or next month, but at some point in time, we're going to warrant a signal light there, and, you know, Jack (Howitt) has agreed to work with Wegmans to install that.

And so it was the same deal that we said to you all along, but it just wasn't solidifying and now Jack (Howitt) was able to procure that. That is good news. It is something that we have been trying to bring forward but just hadn't heard back from Wegmans yet, so next week I will beginning work with Art Pires on making that happen. You all know Art (Pires). He was assigned to work with me on doing that.

KAREN COX: John (Caruso), just for the sake of the audience, the purpose of a center two-way turn lane is not to allow cars to go around other cars that are slowing down to turn. They put them in, as you know, when there is a high incident of rear-end accidents. So they're not -- people use them as passing lanes, but they're not supposed to. That is not their intent.

DARIO MARCHIONI: That is the question. I have no problem with the rest of the project. Just that Paul Road, it -- the fact -- I could give you an example. I went to pick up a prescription from Wegmans and I'm coming out in front of the bank, that exit, and somebody comes down the hill, they come off Chili Avenue, down that hill, going to clobber me. By the time you start the vehicle and get across there to make the left turn, you have the car on top of you. So a traffic light there would really help out. If there is anything possible to speed that up, I think it would be a good thing for us.

Thanks, John (Caruso).

JAMES MARTIN: Thank you, Dario (Marchioni).

Anything else from the Board at this point?

JOHN NOWICKI: I just wanted to compliment Conservation and the Architectural Review Board for working so closely with the applicant in accomplishing a lot of things. So thank you very much.

JAMES MARTIN: Very good comments from both Boards.

I will put a condition in that all easements, appropriate to this development, if it is approved tonight, are subject to your approval and final information as to liber and page should be included on the mylar.

KEITH O'TOOLE: That would be helpful. Since the project is subject to a Homeowners' Association, they should provide us with a copy of the approved plan, the offering plan from the AG, the Attorney General, as well as the approval letter from the Attorney General.

JAMES MARTIN: Okay. So the HOA agreement should be supplied to you, right?

KEITH O'TOOLE: The offering plan.

JAMES MARTIN: Offering.

David (Lindsay), I know you have written a letter, and I -- I will put some notes down for potential conditions here. Pending Town Engineer approval obviously. In your letter, I have made a note, applicant to comply with all requests from the Commissioner of Public Works in a letter dated 4/9/10, and specifically I have got items 2, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 16 in the letter which were essentially requests to reply to you for specific issues related to this project.

DAVID LINDSAY: That's correct. I would just like to reiterate what you have in front of you is some preliminary comments. We're still involved in doing a more detailed assessment of the project, so the applicant will be getting some additional comments from us, as well. And then just to reiterate to the applicant to make sure they continue to copy us in on the other comments they receive from the other approving agencies, as well. That would be helpful.

JAMES MARTIN: I did pick up on that, that all approving agencies shall have issued their pertinent permits before building permits to be issued for the project.

And John (Caruso), just -- in the event that there are any modifications to the proposal deemed significant by the Town Engineer or the Commissioner of Public Works, the Board will ask the applicant to reappear before this Board for clarification.

Okay with that?

DAVID LINDSAY: Yes.

MR. CARUSO: Reasonable.

KEN HURLEY: Pretty much most of the comments I have have been addressed verbally, and I see no reason why they won't be able to address them on the plans as we revise them and move along.

The one item that I had mentioned that I think should be discussed, is snow storage. Currently on the plans they show about a half acre of snow storage. Compared to about seven acres of paved area, not counting the sidewalks. Granted, there is obviously going to be some other areas that they can use for snow storage, or else, you know, it would fill the entire map. But if you assume they get an acre of snow storage compared to the seven acres of pavement, with a 1 foot snowstorm, there will be 7 foot high piles. Just something that at some point, if there is back-to-back large storms, or if there is a slow snow melt, there will be times that visibility will be a problem.

So I think that you might want to consider making it a condition, maybe based on height of piles, or complaints from homeowners or safety concerns from the Town, that at some point they might have to haul some snow off the site if it starts getting to be a problem.

JAMES MARTIN: Item Number 7 on David Lindsay's letter was request the applicant provide a written statement with an engineering report to address how the property owner will address snow storage and removal of any excess snow. Snow storage shall be illustrated for the commercial areas.

MR. CARUSO: This is something we talked about before, and Jack (Howitt) has put it on record, that if the snow -- Ken (Hurley) has a good point. It happens when you have the back-to-back snowstorms, and -- it can get hairy in there.

Jack (Howitt) has said -- he does this at his other places. He goes in and takes the snow out. And so we are okay with putting a note on the plan, or we could leave it -- we're saying it twice on record here. However you chose to do it. Could be a condition of approval.

But we -- we actually think that this parcel is a little bit more greener than it shows on a plan. If you go out there when it is actually built, you will see a lot of green out there. We're certainly willing to agree to that.

JAMES MARTIN: I think you need to put it into the form of a plan, submit it to David Lindsay, all right, and then -- that is a condition of approval that he has to have the plan.

MR. CARUSO: A plan or a note on the plans?

JAMES MARTIN: What would you prefer?

DAVID LINDSAY: I think what we're asking for in the comment there is that the applicant provide us with a written understanding how they will address snow storage. It is up to them to come up with a plan, submit it to the Town, and I think we'll take a look at it. When I say "plan," it can be written, doesn't have to be drawn out.

MR. CARUSO: Why don't we just address that in the letter and that will be the written report.

DAVID LINDSAY: In a letter or in certainly the engineering report, you have a section how you are going to deal with snow storage, so we understand what you intend to do with the excess. Do you intend to truck it? Where will you truck it? Will you dump it in the ponds, or what?

JAMES MARTIN: Okay. So we're all clear on that one. Thank you.

KEN HURLEY: No other comments.

JAMES MARTIN: Pat (Tindale), I know the Conservation Board has been working with them diligently. Let me read what I have written. Applicant shall continue to coordinate landscaping plans with the Conservation Board. I know you have been involved in this, and --

PAT TINDALE: I -- I have several other comments, I'm afraid.

One, I'm disappointed that the Conservation Board wasn't invited to walk the wetlands. To me, of all the Boards, we should have been the one that was.

He has -- Jess (Sudol) has been great. He has been before us several meetings going over the landscaping plans, but I don't have final stamped licensed landscaped architect sealed plans, and I don't have the checklist. I need both of those.

They're mitigating. I don't think he mentioned that, but they are mitigating -- from a mitigation bank, I believe. The biggest concern I have about this whole project is the wetlands. Um, it gathers water from 400 some acres. It is a huge wet land, and if it -- you know, snow storage goes in there, the salt goes in there, it is going to impact it. I want to make sure or I would like to request anyway that they don't grass it up to the edges. Leave native plantings or something there. If they plant grasses, it starts. They'll be using fertilizers, insecticides. They will get geese in there. A whole lot of things will have to be taken into consideration.

Their landscaping looks great. I have no fault with that, but I'm very concerned about that wetland, that it not be imposed on by a lot of surrounding things that could happen to it. And I do appreciate the posting of it. I'm sorry to be such a downer, but those are my comments.

JAMES MARTIN: John (Caruso), I'm assuming you will continue to work with the Conservation Board on some of these issues to be sure that, you know, they're satisfied with whatever needs to be done there, regarding the wetlands and it will be a condition of approval to continue to work with them until they're satisfied?

MR. CARUSO: Okay.

JAMES MARTIN: We did receive a correspondence from the Architectural Advisory Committee, essentially addressing some of the issues that you have already talked about, John (Caruso), as far as the elevations, the ones facing Paul Road. Obviously there is nothing to be stated about the commercial area tonight. We just don't know what that is going to be. They will reserve decision on that pending what comes forth, and subject to further review.

I -- I have made a note here that the applicant shall comply with our recommendations from the Architectural Advisory Committee. Specifications as far as materials shall be in accordance with the submitted samples. I know we have submitted samples here, so we want a specification list and we want you to hold to that. Okay?

Anything else? Board or side table, at this point, before I open it up to public comment? We'll just go through it.

I think I have covered all of the notes I made on the conditions.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ELITA MONTANTE, 33 Cross Bow Drive

MS. MONTANTE: My house, our house is right in the cul-de-sac, right behind Archer and Paul Road, and I'm just wondering where the entrance and exit is going to be into the Town houses.

JAMES MARTIN: John (Caruso), you can go ahead and address that.

MR. CARUSO: Thank you. Come with me.

This is the bank (indicating). This is the entrance to Wegmans (indicating). This is Paul Road (indicating). Here is Grenell Drive (indicating). And this is the two entrances (indicating). This (indicating) lines up with Stal Mar. You're way down here (indicating).

MS. MONTANTE: Is it right off Paul Road?

MR. CARUSO: Yes.

MS. MONTANTE: One entrance and two exits?

MR. CARUSO: This one here (indicating) and this one here (indicating).

MS. MONTANTE: Another thing I would like to say, I'm very concerned about the traffic. I know you have mentioned something about it, but there is a lot of traffic on both Archer and Paul Road, and you figure with additional 110 townhouses, that is going to be more traffic.

Plus with The Fathers House on Sunday and during the week, I mean it is -- even during the day, it is a pretty busy road. In fact, we were just walking on there today, and I mean there is trucks that go down to that industrial area, and I'm really concerned that it is going to be a traffic jam.

JAMES MARTIN: I will -- certainly we share your concern. There is -- those -- those infrastructure issues exist many places in the Town and we'll just have to begin to push on the approving agencies such as County DOT or State DOT really looking at those particular areas. There has been a study done, and -- but the issue will obviously be money to fix some of these issues. I drive Archer Road a lot, Paul Road a lot. I know what you're talking about. There is a lot of traffic on those roads. This particular activity will generate about 175 trips a day. It is not a huge number of additional trips. Many of those will probably go left and go towards the expressway or go some other direction, but appreciate your comments. We're well aware of the traffic issues in the Town of Chili. Believe me. I wish we could fix them overnight, but we won't be able to.

MS. MONTANTE: Needless to say it all goes on Paul Road. Same with Wegmans and you know, Target.

JAMES MARTIN: You're right.

MS. MONTANTE: And the bank.

JAMES MARTIN: Right.

MS. MONTANTE: Banks.

JAMES MARTIN: We'll see what the new Master Plan Update provides in the way of requests for improvement. Thank you.

MS. MONTANTE: Thank you.

ROCKWELL, YARID, 24 Cross Bow Drive

MR. YARID: Rockwell Yarid. I live on 24 Cross Bow Drive.

This is rhetorical, maybe not. But the question with regard to widening the road, if that were ever to be a possibility, where would we get the land to widen the road? The right side or the left side of Paul Road? Any thoughts on that?

KAREN COX: There would be -- it would be even on both sides of the road, typically.

MR. YARID: Have a gut feel for what that could be if we created a center aisle, 10 more feet, 5 more feet?

KAREN COX: Probably the travel lanes right now are 11 feet and a center turn lane would be another 10 or 11 feet, so approximately 5 to 6 feet on each side. And the right-of-way is 66 feet wide, so there is room within the current right-of-way to add that in the future, if it became necessary. But the thing that necessitates adding a two-way left-turn lane is a high incident of rear-end accidents, which, um, you know, typically the County will -- they have an idea where these high-accident locations are, and sometimes a new one will come up. You know, they have ways of studying -- or being able to pull accident reports and figuring out if something like that is warranted.

MR. YARID: I'm concerned, because not to be, you know, self-centered about it, and I know it is not all about me, but I own the property right on the corner of Grenell, and if you push in another 6 to 10 feet, you may as well take the house. You might as well drive the cars through my living room, because there isn't that much setback already. So it is a bit concerning to me.

KAREN COX: Well, if the County ever formulated a project to put a -- you know, do improvements like that, there is an approximate year-long planning phase which involves the Citizens Advisory Group Committee and lots of meetings.

JOHN HELLABY: Not to interrupt, but I don't honestly think that would impact you because the situation already exists up by that house where it is already three lanes wide. It is almost four lanes there, if I remember rightly. He is up in here (indicating).

MR. YARID: Well, I --

KAREN COX: I'm just saying, it is something that people would have plenty of opportunity to voice their opinion on, if it ever came to pass.

MR. YARID: Thank you.

JAMES MARTIN: Thank you.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

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

JAMES MARTIN: At this point, what I would like to do is to go through a review of Part II of the Environmental Assessment Form prior to making any determination as to the SEQR on this particular project. Hopefully we have all seen Part I of the Environmental Assessment Form. We'll go through this item by item, so please bear with me as we go through it here.

First issue is impact on land. Will the proposed action result in physical change to the project site? Certainly the answer is yes. As I went down through the examples, um, construction on the land with the depth of the water table less than 3 feet. There is going to be a small to moderate impact. Certainly can be mitigated by the developer, and John (Caruso), chime in any time that you feel you need to at this point.

The other item I picked up there, construction will continue for more than one year, involve more than one phase or stage, and the answer to that is yes. This will involve more than one year.

I didn't see anything else that was pertinent to that particular impact, so if there is no -- no potential impacts associated with the land.

And Number 2, whether it will have an effect on any unique and unusual land forms found on the sites such as cliffs, dunes, geological formations? And the answer to that is no.

Item Number 3, will the proposed action affect any water body designated as protected under article ba da be, bodda ba under the State Environmental Conservation law? The answer to that is no, there are none.

Will the proposed action affect any non-protected existing or new body of water? Again, the answer to that is no.

Number 5, will the proposed action affect surface or groundwater quality or quantity, and certainly, yes, there will be some impact. You know, is the proposed action going to require a discharge permit, and you need to meet all of the SPDES requirements on the project, so that there is a small moderate impact that will be mitigated by the SPDES plan.

Proposed action -- I believe you -- your calculation, John (Caruso), on water usage is about 30,000 gallons a day at full build-out. That it exceeds the 20,000 gallons per day, but my understanding is, with communication from the Monroe County Water Authority, that use can be handled by the current system.

MR. CARUSO: That's correct.

JAMES MARTIN: Item 6. Will the proposed action alter drainage flow or patterns of surface water runoff? The answer to that is yes. Certainly the proposed action will cause potentially some erosions, but there will be an erosion control plan in place, I believe, and again, small to moderate impact and it can be mitigated by the project itself.

Impact on air quality -- again, I'm reading these, I think. If you have any comments, please jump in. Impact on air. Will the proposed action impact air quality? And I checked no.

Impact on plants and animals. Will the proposal affect any threatened or endangered species? There are none, so the chance is no.

Number 9, will the proposed action substantially affect non-threatened or non-endangered species? No.

Impact on agricultural resources. There is no ag activity in the area, so the answer to that is no.

Impact on aesthetic resources. Um, again, they talk about mountains in the background, et cetera. There are really no aesthetic resources that will be impacted by this activity, so the answer is no.

Um, impact on historic and archeological resources. I believe you have completed a study on the side. There was nothing of any significance found. It was my understanding in reading the report, therefore, the impact is no impact on that.

Impact on open space and recreation, will the proposed action affect the quantity and quality of the existing or future open spaces or recreational opportunities? No.

Impact on critical environmental areas. There is no CEA in the area. So the answer to that is no.

Impact on transportation. I answered yes to that. Certainly there is going to be some impact on transportation. John (Caruso) has already alluded to the fact that we may have a signal at the Wegmans entrance and exit on Paul Road which hopefully will help the situation as far as traffic flow in that area. It is a small to moderate impact from the generation of trips of the project itself. But it -- but it certainly can be mitigated.

Impact on energy. Will the proposed action affect the community resources of fuel or any energy supply? Answer is no.

Noise and odor impacts. Will there be objectionable odors or noise vibrations as a result of the proposed action? The answer is no.

Impact on public health. Will the proposed action affect public health and safety? Not to my knowledge. I believe the answer is no.

Impact on growth and character of community or neighborhood. Will the proposed action affect the character of the existing community. Certainly there is going to be some effect. I have checked yes on that box.

Um, certainly the proposed action is going to cause a change of the density of the land use. There is nothing there now, but there will be when the project is finished, but again I think that is a small to moderate impact as you look at the Town as a whole.

Development will create demand for additional community services. Certainly it will.



There is no question about that, with the fire, ambulance, those types of things, but again, I think it is certainly within the scope of the community to address those things.

Um, will the proposed action create or eliminate employment based on the input that we have gotten from the applicant? Once the commercial area is fully built out, there is potential for creation of 50 jobs as I understand it, and there is a substantial number of jobs that will be created during the construction phase of this project. Those are the ones that have checked off as having small to moderate impact on this.

Number 20, is there or is there likely to be public controversy related to the potential adverse environmental impacts? Again, I checked "no" on that one as far as Part II of the EAF goes.

So that is a summary of the -- the environmental impact as a result of this project.

Um, are there any comments on the -- on that evaluation? If none, then I would like to make a motion at this point that based a formal review of Part II of the full Environmental Assessment Form by this Board, I make a motion to declare ourselves lead agency as to SEQOR and based on information and evidence that has been reviewed as a result of the formal hearing of Part II of the EAF, we find this application to be an unlisted action and no significant environmental impact.

STEVE HENDERSHOTT: I will second it.

The Board was unanimously in favor of the motion.

JAMES MARTIN: On the applications themselves --

MR. CARUSO: Mr. Chair, with respect to the vote that the Board is going to look at on preliminary subdivision and site plan approval, I would like to ask the Board to consider the possibility of waiving final or granting final approval on the residential section of the project. I think that at this point, we have really kicked the tires and evaluated that section of the project. I don't think it would be appropriate for us to ask if -- to waive final on the commercial section, because the commercial section of the project is going to require a conditional use permit, and we would have to come back -- as Pat (Tindale) pointed out, we have all of the landscaping, that type of review to do. If we were to come back for final approval on the residential section, um, we would be looking at the same presentation tonight that we're going to do, and unfortunately, I can't even be here for the May meeting because we have missed the cut-off for it, so we would have to submit in May for the June, just to come in and get to where we are tonight.

So I hope that the Board would consider allowing us just to progress with final site plan approval, or waive final on the residential section. We still agree to come back for final, of course, on the commercial area, but that would allow us to start achieving the final approvals that you're seeking from all those other agencies, and it -- it is really important to us right now, because, um, Jack (Howitt) wants to get going.

The weather has been great. The soil conditions right now for moving dirt and starting construction are never this good this early in the spring. They're usually much wetter and create a lot of mud, but that is not the case. And I just think we're -- there is not a lot of risk to the Board because we have all of the conditions of approval. Of course it gives us incentive to actually meet all of the conditions of the Town Engineer and the Highway Department, so if you would consider that.

JAMES MARTIN: Thank you, John (Caruso). Before we go any further on that, let me just kind of review what I have written so far for conditions as we entertain that request.

Certainly, pending Town Engineer approval. The applicant to comply with all requests from the Commissioner of Public Works in his letter dated 4/9/10, specifically, and I read those items, 2, 4, 6, 7 -- you all have copies of that letter.

James Martin reviewed the proposed conditions with the Board.

JAMES MARTIN: That is what I picked up. We have got a lot of protection in there as a result of these conditions that nothing is going to happen until everybody is satisfied that everything that needs to be done is done, they're not going to get a building permit.

What is -- you want to start moving some dirt, John (Caruso)? I mean, working with David Lindsay to determine what can be done at this point? If we were to give you final tonight, is that essentially what you want to start doing?

MR. CARUSO: Instead of asking for permission for a grading permit to start early -- some people might -- I don't know who, but some people might say you don't want to issue a grading permit. You only have preliminary. Just cleaner if you could grant us our waive final, then we get our approvals, post the letter of credit, have the pre-construction meeting and start work and we're not working under any special favors or conditions. Just cleaner. We're there. The conditions don't change.

I mean we still are going to meet all those conditions whether it is preliminary or final. It is just more of the same.

JAMES MARTIN: Understood.

DARIO MARCHIONI: I just have one question. I have no problem with that, but is there a boundary or a proposed cut-off area that -- if it gets -- if he gets final, what area does he get final?

JAMES MARTIN: It would be on the residential area in total, I believe, Dario (Marchioni).

DARIO MARCHIONI: Including the other entrance?

MR. CARUSO: We'll prepare construction phase drawings to answer that question. And only bite off what we propose to put in the letter of credit. That will be very important to Dave (Lindsay). We know he will be looking for that. But it is just that at the Planning Board level we want final approval on the residential section. It helps our bank. They see the whole thing is approved.

The other component is, we'll be looking to go focus up in the front area. But at this point in time, when people see you get final approval, they think you're ready to start. To us, we're only three-quarters of the way there. We still have Pure Waters, DOT, Water Authority, Town Engineer. Those guys, they're -- they're tough to get over. You have to get everything tightened up.

So to you it sounds like if we give it to them, it will be great, but we're only three-quarters of the way there once you say yes. So we appreciate that and your understanding of it.

STEVE HENDERSHOTT: The applications are separate anyway from the commercial and the residential, correct?

JAMES MARTIN: Yes.

STEVE HENDERSHOTT: So it shouldn't be an issue.

JAMES MARTIN: I agree.

I will entertain a motion to waive final.

JOHN NOWICKI: I will make a motion.

STEVE HENDERSHOTT: I second.

JAMES MARTIN: The motion has been made and seconded to waive final on the residential component of this, and we'll also be waiving final on the subdivision.

Is that understood?

GEORGE BRINKWART: I would just like to say I don't have a problem with waiving final on smaller projects, but this project is of substantial magnitude. We have SWPPPs. We have traffic, engineering. We have comments from Engineering and DPW that still need to be resolved. There is the issues I brought up which may or may not affect the layout of this project.

I have no problem with preliminary. I think it is a wonderful project. I would like to also remind everyone that our code specifically says that final is to be granted after the DOT permit, after the Monroe County DOT permits have been issued. So I would like to see us grant preliminary but wait for final.

JAMES MARTIN: Any more discussion?

DARIO MARCHIONI: Could we put those as conditions, that all those permits --

JAMES MARTIN: It is already in here. It is already in.

KAREN COX: But they can't start the work until all those are issued.

JAMES MARTIN: All right.

GEORGE BRINKWART: I know we have that condition in there, and it is certainly a good condition, but I'm just reminding you, that our code states that final shouldn't be granted until we have the permits in hand. And it is -- the reason that is done is just to safeguard the Town, and I don't see any reason to rush into this. I think it is in the best interest of the Town to go through the preliminary and final process of subdivision.

JAMES MARTIN: We have a motion and it's seconded. On the motion to waive final?

The vote on the motion to waive final was 6 yes to 1 no (George Brinkwart).

JAMES MARTIN: Final is waived.

Okay. On the applications themselves. On the application to approve the preliminary subdivision, waiving final with the conditions I read.

DECISION ON APPLICATION #1: Unanimously approved by a vote of 7 yes on preliminary; 6 yes to 1 no (George Brinkwart) regarding waiving final, with the following conditions:

1. Pending Town Engineer Approval.
2. Applicant shall comply with all requests from the Commissioner of Public Works in a letter dated April 9, 2010 (see attached) specifically items 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 16.
3. The applicant shall continue to coordinate all landscape plans with the Conservation Board.
4. The applicant shall comply with the recommendations of the Architectural Advisory Committee. Specifications for materials shall be in accordance with submitted samples.
5. All permits from involved permitting agencies must be issued prior to the issuance of building permits.
6. In the event that any modifications to the approved plan occurs that is deemed to be significant by either the Town Engineer or the

Commissioner of Public Works or results from the permitting process, the applicant will be required to appear before the Planning Board to review the change.

7. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (ie: liber and page) shall be noted on the mylars.
8. A copy of the Homeowners Association Offering shall be provided to the Assistant Town Counsel.

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

DECISION ON APPLICATION #2: Unanimously approved by a vote of 7 yes on preliminary; 6 yes to 1 no (George Brinkwart) regarding waiving final, with the following conditions:

1. Pending Town Engineer Approval.
2. Applicant shall comply with all requests from the Commissioner of Public Works in a letter dated April 9, 2010 (see attached) specifically items 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 16.
3. The applicant shall continue to coordinate all landscape plans with the Conservation Board.
4. The applicant shall comply with the recommendations of the Architectural Advisory Committee. Specifications for materials shall be in accordance with submitted samples.
5. All permits from involved permitting agencies must be issued prior to the issuance of building permits.
6. In the event that any modifications to the approved plan occurs that is deemed to be significant by either the Town Engineer or the Commissioner of Public Works or results from the permitting process, the applicant will be required to appear before the Planning Board to review the change.
7. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (ie: liber and page) shall be noted on the mylars.
8. A copy of the Homeowners Association Offering shall be provided to the Assistant Town Counsel.

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

DECISION ON APPLICATION #3: Unanimously approved by a vote of 7 yes on preliminary; 6 yes to 1 no (George Brinkwart) regarding waiving final, with the following conditions:

1. Pending Town Engineer Approval.
2. Applicant shall comply with all requests from the Commissioner of Public Works in a letter dated April 9, 2010 (see attached) specifically items 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 16.
3. The applicant shall continue to coordinate all landscape plans with the Conservation Board.
4. The applicant shall comply with the recommendations of the Architectural Advisory Committee. Specifications for materials shall be in accordance with submitted samples.
5. All permits from involved permitting agencies must be issued prior to the issuance of building permits.
6. In the event that any modifications to the approved plan occurs that is deemed to be significant by either the Town Engineer or the Commissioner of Public Works or results from the permitting process, the applicant will be required to appear before the Planning Board to review the change.

7. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (ie: liber and page) shall be noted on the mylars.
8. A copy of the Homeowners Association Offering shall be provided to the Assistant Town Counsel.

JAMES MARTIN: I want to reiterate many of the comments made by the Board. We appreciate your patience in working with us on this particular activity. I do believe that as part and parcel of the application tonight, um, according to our Assistant Town Counsel, the 278 cluster application also needs to be approved as part of this, so we don't leave it -- Keith (O'Toole) told me we didn't need a formal resolution, but I think I would like to make a motion that we approve as a Board the 278 cluster agreement for this particular project.

So I will make a motion that we approve 278, Town Law Section 278 cluster for this particular project. Do I have a second on that?

JOHN HELLABY: Second.

The Board was unanimously in favor of the motion.

MR. CARUSO: Thank you.

There was a brief recess in the meeting.

FOR DISCUSSION:

1. Philip Lepore, New Hope Community Church - for proposed day care center in church at property located at 3355 Union Street in RM zone.

Phil Lepore, Pastor Ralph VanAuken and Mark DeCory were present to represent the application.

MR. LEPORE: Good evening. My name is Phil Lepore. I have been retained as a consultant to help develop a business plan to start a day care within the church, New Hope Community Church. Here is Pastor Ralph VanAuken. So -- I have also Associate Pastor Mark DeCory.

JAMES MARTIN: Based on your letter of intent, there is no -- no new facility to be built. You will convert space within your existing facility?

MR. LEPORE: That's correct.

JAMES MARTIN: For a day care center: is that correct?

PASTOR VAN AUKEN: Yes, it is.

JAMES MARTIN: You have applied to the State of New York for license to run a day care center?

PASTOR VAN AUKEN: Yes.

JAMES MARTIN: Have you gotten response from that, or are you still pending?

MR. LEPORE: We're in the process. One of the primary requirements of the State is that we get a Certificate of Occupancy from the Town that we're in, and when we called the Town Building Department to get those inspections, they recommended that we come before you prior to their inspections.

JAMES MARTIN: Okay. You don't know at this point in time how many children will be utilizing the facility and that is still an unknown quantity?

PASTOR VAN AUKEN: At this point.

MR. LEPORE: It is unknown. We're in the process of developing a plan. We would like to see the first year 50 children.

JAMES MARTIN: What -- what are you anticipating would be your maximum capacity as far as a day care center?

MR. LEPORE: The State sent out already a Fire Inspector. They have their own inspection team and they gave us basically a maximum amount of children for the square footage that we're utilizing.

Right now, I think it is in the 100 -- approximate, give or take, depending how we arrange the space that we have for the day care. So that -- so that would probably be a maximum. I can't speak definitively because we haven't really calculated out what space we'll utilize for the day care.

JAMES MARTIN: You -- your intention is to employ a Director of Child Care, something of that nature, I'm assuming?

PASTOR VAN AUKEN: Yes.

JAMES MARTIN: I'm assuming this would be an individual trained in managing a day care facility, with all of the safety aspects.

MR. LEPORE: That's correct. The State requires -- has certain qualifications. In order to get the State licensing, they have a list of qualifications that the Director and then direct teachers have to have -- have to possess, and the Director has to possess a four-year college degree in child care, and has to have a certain amount of experience.

So they have a fairly, um -- fairly high standard for the Director of a day care.

JAMES MARTIN: Okay. I don't know how long it takes to go through this -- the State process. What would your anticipated start-up date be, assuming you get approval from every agency involved?

MR. LEPORE: Our start-up date, we would like to open prior to the -- to the summer, when the kids are released from school. That is when the primary need really kicks in for families that require day care. Particularly families in a wrap-around program, they're going to be looking for day care facilities. A lot of the day care facilities in Chili, particularly North Chili, like Pearce Memorial Church, they have a day care, and they have waiting lists. West side YMCA. There are waiting lists. We would like to open probably the last week in June, with, you know -- with having our employees on staff already probably three or four weeks prior to that.

So we would like to typically begin June 1st, open the third week in June when school lets out. That is our goal. The State requires it from the time of application, you have 90 days to fill their requirements. So we can always apply for an extension, but we don't anticipate the need for that.

They -- they have come out and inspected our facility already, and they feel that the facility is adequate. We had a day school there prior -- as you may know this or not, that the New Hope Community Church ran a day school facility for many years and the facility is set up to accommodate children and school age children and younger.

JAMES MARTIN: Your letter says you will have six-month old infants all of the way up to 12 or 13?

PASTOR VAN AUKEN: The six-month old infant might require a little bit more -- a little more work, so she wanted to see how the Town would proceed with again doing the approvals, but if you -- I called 12 day cares. Ten of them would not take babies, because it is easier to do 18 month or toddler, to start there.

But if we get the right approvals and we can -- we can -- we want to do babies. I think there is a need in the community for younger children.

JAMES MARTIN: All right. Thank you.

STEVE HENDERSHOFF: I'm familiar with the church. You have plenty of parking over there. I'm familiar with the facilities layout. They have plenty of room in that building. I know you already do have the school over there. I don't see any issues that the Town would be concerned about, especially knowing how stringent the State is at granting these licenses. It looks pretty clear cut.

KAREN COX: I don't have any questions. You have noted the hours of operation 6 to 6. Is that a five days a week, six days a week, seven days a week?

MR. LEPORE: Five days a week.

JOHN HELLABY: Monday through Friday?

MR. LEPORE: Monday through Friday.

JOHN HELLABY: No weekends?

MR. LEPORE: No.

JOHN NOWICKI: Same thing. I concur with the previous statements.

DARIO MARCHIONE: It's a needed service. Congratulations. I'm for it.

PASTOR VAN AUKEN: Thank you.

MR. LEPORE: Thank you.

JAMES MARTIN: Okay. Based on, you know, the conversation from the Board, I would have no qualms about stating in my letter of tonight's hearing that we would highly recommend that the Town go ahead and put in place the appropriate approvals for Certificate of Occupancy for this. Okay?

Anybody have any problem with that?

The indication was no from the Board.

JAMES MARTIN: Good luck.

DECISION: The Board had no issues with the proposal and wished New Hope Community Church well as it moves forward.

The meeting was adjourned at 8:20 p.m.