

CHILI PLANNING BOARD
April 9, 2013

A meeting of the Chili Planning Board was held on April 9, 2013 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, David Cross, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin. Richard Brongo was excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Michael Jones, Assistant Counsel for the Town; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Mark Merry, Architectural Advisory 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.

OLD BUSINESS:

1. Application of Westside Development, 3313 Chili Avenue, Rochester, New York 14624 for special use permit to allow four sports fields at property located at 420 Ballantyne Road in PRD, FPO, FW zone.
2. Application of Westside Development, 3313 Chili Avenue, Rochester, New York 14624 for preliminary site plan approval to install four sports feeds at property located at 420 Ballantyne Road in PRD, FPO, FW zone.

Bill Howard was present to represent the application.

JAMES MARTIN: Bill (Howard), why don't you come up to the podium? I have a couple of issues here.

Back on March 31st, um, there was a letter that was sent to you from the Commissioner of Public Works. I believe you should have a copy of that letter. In that letter it basically outlined the results of the Design Review Committee meeting that we had when we looked at the plans that you had submitted. There were several comments that were generated during that meeting.

Subsequent to that meeting a site visit was conducted, and -- to look at the site itself, and as a result of that, there were several Town Engineer comments that were then included in this letter to you regarding the site itself and some concerns about wetland boundary delineation. If I go down through here -- I won't read everything, but there were several issues that, you know, were brought up at that time by the Town Engineer and the Commissioner of Public Works.

The last statement in here is from again David Lindsay, Commissioner of Public Works. It says, "Right now you're on the agenda," and that would be for this meeting, "but I can't see you receiving any kind of approval or even staying on the agenda unless you engineer can resolve the majority of these issues with Mike Hanscom, the Town Engineer, in advance of the meeting."

I will turn to David (Lindsay) and Mike (Hanscom). Has any of this happened?

DAVID LINDSAY: I received an updated plan from Mr. Howard today. Late today. I have not had an opportunity to look at it. I don't know if Mike (Hanscom) has either. I think they made some adjustments, but the biggest things that need to be addressed, and I will ask Mike (Hanscom) to correct me if I am wrong, here is the need to determine the actual wetland boundaries. We have got some information from Mr. Howard, got some conflicting information on a couple of pieces -- on a couple of sets of plans, but we're lacking some definitive determination from either the DEC or the Army Corps on what the actual wetland boundaries are.

That, in addition to we need to have some sort a SWPPP, Storm Water Pollution Prevention Plan. He has talked about in the response that he would modify the existing one, but we haven't seen any modification. There are some things we want to make sure that are in there related to this project.

Mike (Hanscom), do you want to add anything?

MIKE HANSCOM: No. That -- those are the major issues.

JAMES MARTIN: Back in June of last year when we tabled this for -- the first go-around, that was -- I think that was the biggest concern of the Board, we still have several engineering concerns that were still outstanding.

Based on the communication that occurred back in March 21st, to you, it appears based on what Mr. Lindsay has said and what the Town Engineer, he has said, that we still have several outstanding engineering issues that have not been resolved at this point. I'm not sure how far we

can proceed with this tonight, given the fact that I have the Commissioner of Public Works and the Town Engineer who are telling me they're not satisfied, all right, that, you know, we have all of the information we need in order to go ahead and vote on this or give approval on this project. So it's a difficult situation, but it appears we just don't have what we need at this point in time.

MR. HOWARD: Well, again, I have provided the -- Joe Kessler, Army Corps of Engineers, we have gone two go-arounds since I dropped -- this is the third go-around I gave Dave (Lindsay).

But with Mike (Hanscom), the Town Engineer, we have been going back and forth with three different go-arounds back and forth with a list that he accumulated, and I have gone through each one of these items and I added them to the plans.

Last go-around, I did drop that off today, but that was the third go-around. But we did answer the wetland delineation problem that everybody keeps talking about and keeps throwing at this project. This is the most surveyed, topo-engineered piece of property in Monroe County.

I have a letter here from Joe Kessler. The confusion, um, on this property, we had a delineation done by Avery Engineering in 2002 which was done for the Vista side and also this side. Spent \$75,000 doing a delineation. Don Wilson did delineations. It was surveyed, mapped, tagged. It was agreed upon. That's how the Town has issued me seven fill permits since then. If there was a wetland problem, certainly you wouldn't have fill permits being issued over the course of the last five years. And I have those with me today.

Joe Kessler was brought out -- Army Corps of Engineers was brought out to the site June -- which I turned in a copy of that letter -- which I have a copy here -- when Joe Kessler came out and did a GPS evaluation of the site, saying, "Let me run around, let me GPS it, let me make sure there are no violations here. Let me make sure there is no impact of what was going on."

He put it in a letter that I have also given to Mike (Hanscom), and -- in this third go-around.

DAVID LINDSAY: Mr. Chairman, sorry to interrupt. We don't have a copy of that letter. Mike Hanscom, the Town Engineer, doesn't have a copy of that letter. We don't have any documentation from any governmental agency stipulating that those are the actual wetland boundaries as depicted on the plan.

JAMES MARTIN: Thank you.

MR. HOWARD: I do have it all here. But I know we had dropped it off in the going around with submission of all this.

KAREN COX: Dropped it off?

MR. HOWARD: I have a letter.

JAMES MARTIN: Where did you drop it off?

MR. HOWARD: To the Town. Al Arilotta actually dropped it off, too. I was in St. Thomas. He had the whole package delivered. He had all of the plans, all of the comments. I have all of the letters.

I have a letter from the DEC there is no issues there. I have a letter from Joe Kessler that says right here, "However, our recent site inspection" -- it was done June 15th, 2012. "However, the recent site inspection, the fill material has been successfully removed and the portion of this site has been restored. We also have determined that the -- development of the work that was performed on this parcel has no further impact on any wetlands under the Corps' jurisdiction. And the activity is non-jurisdictional and exempt from the 401. So I have a copy of that right here I can submit.

So the wetland issues were addressed. I have got the documents here. I don't know how all of a sudden the Town doesn't have them, because I know we submitted them with the new drawings. This is the third one that I submitted.

JAMES MARTIN: I don't know. I don't have an answer for that either.

All I know is the Town Engineer and Commissioner of Public Works say they don't have the documentation. So, you know -- you submitted the third iteration today?

MR. HOWARD: That was the third go-around, yes.

JAMES MARTIN: So really they have had no time to look at -- they really had no time to react to that if it was the third iteration. The Board has what you put up on, you know, the bulletin board over there.

MR. HOWARD: That is the actual third drawing that was done.

Because Mike (Hanscom) has commented three different times, and every time I have run and answered any of his questions, and then this is the third submission of answering any of the detailed items that he wanted corrected with details of piping, with details of inverts, with details of drainage calculations. All that was submitted.

JAMES MARTIN: Well, I think we have a major disconnect somewhere.

MR. HOWARD: I guess.

JAMES MARTIN: I mean -- do you have -- are those plans stamped, you know, at this point in time?

MR. HOWARD: No. They're not stamped, no. These are soccer fields. These aren't building --

JAMES MARTIN: I understand. We -- site plan issues, we would normally have an engineer's stamp on.

But I will look at the Board and see where do we want to go with this? I mean, obviously there is a major disconnect on the documentation that the Town Engineer and the Commissioner of Public Works needed in order for us to go forward.

JOHN HELLABY: The unfortunate part is the documentation. We do not have it, point

blank. And that should be the end of the discussion. I was quite surprised to even see this on tonight's agenda with the lack of all these answers that the Town Engineer was requesting. I think at this venture, we need to get together, work out the problem, get these drawings sealed and make sure everybody is on the same page and move forward. Because I sure wouldn't vote on this tonight.

MR. HOWARD: Again, I know all that was submitted. All of the Army Corps of Engineers, all of the DEC. All of the plans. I have three sets. I have them all here. All of the permits.

JOHN NOWICKI: Who did they go to? Somebody from your office delivered them?

MR. HOWARD: I was in St. Thomas. It was all delivered to the Town. It was ALA Architects that came in and dropped them off. They did all of the submittals. We have correspondence back from Mike (Hanscom). They answered those. I said, "What else did you have?" I was in St. Thomas. I called them back and said, "Submit it again."

They did. I got a second, a third one, and I asked him, "Could you please answer all Mike (Hanscom)'s questions again, make sure we have the details," and then they spit out this map with all of the details of what he wanted.

Then I had all of the stuff from Army Corps, DEC, Joe Kessler, um, the letters that went back and forth stating that they were out there at the site, they are admitting that there are no issues on that site, and it's totally in compliance right now with any wetland boundaries. And that if I was to do any further development, any further -- he even states it in the letter, "Then in that time you would have to do a new wetland delineation," but as of right now, everything was compliant. I have those letters.

I don't know how -- I don't know what happened. I can't answer that. I just got back. I know that there is the submissions because I had the letters from ALA Architects that --

JAMES MARTIN: Any more comments --

DAVID LINDSAY: No.

JAMES MARTIN: -- from the side table?

DAVID LINDSAY: No.

JAMES MARTIN: Any more comments from the Board?

JOHN NOWICKI: I just want to ask Mike (Hanscom) a question. Mike (Hanscom), in your letter April 2nd, 2013, had those issues been addressed that you know of?

MIKE HANSCOM: The drawing -- the latest drawing that was submitted I got late yesterday afternoon. Some of them have been partially addressed.

JOHN NOWICKI: But you haven't had a chance to review all of them?

MIKE HANSCOM: No. I haven't been able to fully review that. Some of the things that haven't been addressed -- I haven't received a revised SWPPP. I haven't received any of the wetland documentation.

MR. HOWARD: My point is, you see, he does have an April 2nd response to the one you're talking about saying there was no response. He just admitted that you have an April 2nd --

MIKE HANSCOM: Yes, sir, I did receive a response, but it was incomplete.

KAREN COX: This is the April 2nd letter that talks about not seeing the --

MR. HOWARD: Yes. There was another response to that.

KAREN COX: We can't --

MR. HOWARD: If you don't have the paperwork in front of you -- I don't know what happened. I can't speak to that. I understand that. But something is awry.

KAREN COX: As a Board, we really can't --

MR. HOWARD: I understand.

KAREN COX: Because there is environmental issues, it is --

MR. HOWARD: One, there aren't. I have other documents showing it has all been resolved.

KAREN COX: I have no reason not to believe you, but it is more -- is there a way that we -- you know, if his documentation all of a sudden is found out.

MR. HOWARD: Can I request a meeting?

KAREN COX: Can we get him on the next month's meeting?

JAMES MARTIN: Oh, certainly we have time.

KAREN COX: We can -- I guess the bottom line is, if we have to -- we have to figure out where that -- what happened to the package.

MR. HOWARD: This is the third go-around, too.

JOHN HELLABY: He needs to get what -- with the Town Engineer and Dave Lindsay and work out these issues. That's it. Boom.

JAMES MARTIN: There is a lot --

MR. HOWARD: There aren't all these issues that everybody is saying. They're not there. That is the whole --

JOHN HELLABY: Well, we have them now. So.

JAMES MARTIN: Based on where I think we're at, all right, we have a disconnect, and the -- and -- in communication and paperwork. I will make a motion we have to table this until the next meeting.

JOHN HELLABY: I second it.

JAMES MARTIN: Pending you getting together with the Town Engineer, the Commissioner of Public Works to make sure we're on the same page because we're not right now.

JOHN NOWICKI: We have to make it happen.

JAMES MARTIN: I make a motion we table it. I have a second on tabling this?

DECISION: Unanimously tabled by a vote of 6 yes to table for the following reasons:

1. Application is incomplete. Further information is required.
2. Pending resolution of Commissioner of Public Works and Town Engineer comments.

Note: The applicant is requested to meet with the Town Engineer and Commissioner of Public Works to resolve outstanding issues concerning this project.

PUBLIC HEARINGS:

1. Application of Leo McKinney, 513 Whittier Road, Spencerport, New York 14559; property owner: Helen McKinney; for renewal of special use permit to allow a motor vehicle service station with minor repairs at property located at 4210 Buffalo Road in NB zone.

Leo McKinney was present to represent the application.

MR. MCKINNEY: Good evening. Leo McKinney, 513 Whittier Road, Spencerport, New York.

Just wanted to renew our conditional use permit for five years to coincide with the lease agreement that we have for the property located at 4210 Buffalo Road.

JAMES MARTIN: Okay. First of all, for the record, I have a response from the Fire Marshal of the Town of Chili that says, "Inspection: Operating permits are current with no violations."

So I am reading that into the record.

We have comments from the Conservation Board. Basically they think the landscaping looks real good. Little early to tell. Hopefully the plants will sprout in the spring. I have been by the site. It looks neat, it looks good at this point in time.

Those are the only two comments I have.

JOHN HELLABY: Things looked a little quiet the other day when I went by. You guys doing much business?

MR. MCKINNEY: Well, actually, the gentleman who is in there right now is on vacation for a week, so he got caught up on his business and the vehicles went back to their owners and it has been quiet now for a couple of days. Everything else is going good.

JOHN NOWICKI: Good.

JAMES MARTIN: Just to go back and take a quick look, last action by this Board was on March 8th, 2011. At that point in time your special use permit was renewed for a period of two years. The only conditions were that any previous conditions that still were in effect remain in effect. New plantings to update the landscaping, and Conservation Board has looked at that.

So, at this point, I will open it up to public comment.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just had a question. Is the -- the overhead not going to work tonight again? Is the screen not going to work tonight?

JAMES MARTIN: Oh, yeah, I think it is going to work.

MS. BORGUS: That was my only question.

KAREN COX: There are no plans for this one.

JAMES MARTIN: Why, would you like -- we don't --

MS. BORGUS: Not on this one necessarily, but as we go forward.

JAMES MARTIN: Yes.

MS. BORGUS: Thank you.

JAMES MARTIN: We actually have a witness who said he saw it working. (Laughter.)

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

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: We gave him two years the last time. I think they pretty much lived up to everything we asked them to do over there. I would be open to extending the timeline to a longer period of time.

DAVID CROSS: Five years.

JOHN HELLABY: What he requested.

KAREN COX: You said five years.

MR. MCKINNEY: Yes. That is what we were asking.

JAMES MARTIN: All right. By consensus, I think we're going to go to five years.

On the application then, basically the conditions I have already talked about, the previous conditions that still apply to the property remain in effect. Hopefully landscaping is going to take hold. If there are some issues, I'm going to put a condition in that you would restore any landscaping that has died over the winter.

MR. MCKINNEY: Okay.

JAMES MARTIN: And that's it.

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

1. All previous conditions still pertinent to this application remain in effect.
 2. Landscaping shall be maintained in accordance with approved plan.
 3. Special use permit is granted for a period of five years.
2. Application of Verizon Wireless, C/O Todd Bender, 20 Woodland Drive, Batavia, New York 14020 for preliminary site plan approval for a change of use in portion of building to allow a retail store (formerly restaurant) at property located at 3193 Chili Avenue in GB zone.

Todd Bender was present to represent the application.

MR. BENDER: My name is Todd Bender, 20 Woodland Drive in Batavia, New York. And I represent my Verizon retail franchise, and I'm requesting a change of use to the existing portion of the building that was an existing restaurant into a retail space.

JAMES MARTIN: Okay. Once again, for the record, Fire Marshal basically says, "Current occupancy there are no issues and will require a life safety occupancy use permit." So you will have to get that from the Fire Marshal.

PAUL WANZENRIED: Should he not put something --

MR. BENDER: I have drawings here.

JAMES MARTIN: I'm sorry.

Put it up.

So that is basically the site plan. You will be occupying the corner of that building, if I understand it correctly.

MR. BENDER: That's correct.

JAMES MARTIN: Could you flip it over to the architectural rendering?

MR. BENDER: Sure.

JAMES MARTIN: So that is the interior. Fairly simple layout. That's good. We can see what you're changing, putting in windows.

I do have comments from the Conservation Board. Obviously there is limited opportunities for landscaping over there, all right? I know you're not the owner of the building itself. But they wanted me to make you aware of the fact that we have a code that says that 1 percent of the cost of the renovation and whatever you're doing over there needs to be donated to the Chili Landscaping Fund in lieu of the fact that you really can't do any landscaping. So that is a requirement. You know, 1 percent donation to the Landscaping Fund.

That's all I have got.

PAUL WANZENRIED: Looks all right to me.

KAREN COX: It's not totally clear to me, the letter. Are you going to keep your Gates location and add this, or is this in lieu of Gates -- you're moving the Gates location to here?

MR. BENDER: We're relocating the Gates location here.

KAREN COX: Because this offered more square footage?

MR. BENDER: That's correct.

KAREN COX: And you -- you said in your letter that you figured about two people per hour in and out.

MR. BENDER: On average. Yep.

KAREN COX: You know, it's that -- getting in and out of that parking lot is sometimes -- a little tough turns and that. That was the only reason I asked that. That was all I had.

JOHN HELLABY: Hours of operation?

MR. BENDER: Hours of operation, Monday through Friday, it's 9 to 8. 9 a.m. to 8 p.m. Saturday is 9 to 8 p.m., as well, and Sunday is 11 to 3 p.m.

JOHN HELLABY: No added exterior lighting?

MR. BENDER: No added exterior lighting, no.

JOHN NOWICKI: My only question was the Conservation Board mentioned something about an abandoned truck on the site.

MR. BENDER: Not familiar with that.

JOHN NOWICKI: I didn't see anything either.

JAMES MARTIN: Anyone know anything about it? I didn't see it.

JOHN NOWICKI: Who else saw it?
JOHN HELLABY: I think at one time there was.
JOHN NOWICKI: But I think it's long gone.
KAREN COX: Just happened to be there the day they were driving by.
JOHN NOWICKI: Okay. Thank you. That's all.
DAVID CROSS: The Town Engineer went through the parking calculations and they work out pretty well. I think it's a good use for the property. That's all.
KAREN COX: Is the sign on the front of the building going to be lighted?
MR. BENDER: Yes.
KAREN COX: Oh, yes, LED lighting.
MARK MERRY: We have -- I believe you should have received some recommendations. As long as Mr. Bender is compliant with the recommendations, I have no further comments.
JOHN NOWICKI: I didn't see them.
JAMES MARTIN: I have them. I thought I had them in my packet. Basically you have approved the exterior renovations.
MARK MERRY: Yes, we did.
JAMES MARTIN: With the addition of the three windows on the west side of the building.
JOHN NOWICKI: You did mention the Fire Marshal comments?
JAMES MARTIN: Yes. I have those.
MR. BENDER: Could you repeat the Fire Marshal's comments again? I didn't get a chance to take a note of that.
JAMES MARTIN: All right. "According to Fire Code in the Town of Chili, you will need to have a life safety occupancy use permit from the Fire Marshal."
A life safety occupancy.
MR. BENDER: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road
MS. BORGUS: A couple of questions about the signs -- about the sign. Is that sign -- could somebody describe it to me?
KAREN COX: Actually, there is -- do you want to put this up?
DOROTHY BORGUS: That will be interior lit? Is it a glass -- plastic, whatever, across the front?
KAREN COX: LED lit?
DOROTHY BORGUS: Pardon.
KAREN COX: LED.
JOHN HELLABY: Very similar to like a Wegmans sign.
MS. BORGUS: Has the Board explained to this applicant about Chili's sign code, because I can just see they won't have the door open and they won't have enough signage. So I think before they get involved too far along with this, they ought to understand how we feel about signs in Chili. So maybe he should have a copy of the sign code so he understands that he is going to be pretty limited.
Thank you.
Actually, I think that's a good use for the building, the space. I think it's a good location. Other than getting in and out, which I guess they recognize the problem, as Mrs. Cox pointed out, it's not easy getting in and out of that spot. But as far as the actual space goes, it's probably a good use for it.
Thank you.
JAMES MARTIN: I think it's something we need to go back and take a look at because there was supposed to be cross-access easements all of the way across that frontage so people could get to that traffic signal and I'm not sure where that stands at this point in time.
KAREN COX: When you say "we need to" look at, not the applicant?
JAMES MARTIN: Not the applicant. No. The owners of the property that are involved, because if I go back and look at the property record, that was one of the things that was supposed to be done.
KAREN COX: Right. I just wanted to make it clear in the record it is not this gentleman's responsibility.
JAMES MARTIN: Not his responsibility. Dorothy (Borgus).
I will include applicant to comply with all Chili sign code requirements.
MS. BORGUS: Thank you.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

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: I have basically two conditions. 1 percent donation to the Chili Landscape Fund. 1 percent of the cost of the renovation.

Number 2 is applicant to comply with all Chili sign code requirements, requirements for signage.

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

1. Applicant to comply with all Chili code requirements for signs.

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

3. Application of 997 Beahan Road, LLC, 369 Bostwick Road, Phelps, New York 14532, property owner: Curts Properties LLC; for preliminary site plan approval for a parking lot expansion at property located at 997 Beahan Road in LI with/ADATOD zone.

John Caruso and Rick Wadham were present to represent the application.

JAMES MARTIN: To let the public know, at this point in time, we did not receive County Comments on this application. Due to the fact that we do not have County Comments at this point in time, the Board would not be in a position to vote on this application tonight.

Therefore, I will not open a Public Hearing on this tonight. We will wait for the next go-around when we -- we're actually in a position where we can vote on this particular application.

But my understanding is you still wish to make a brief presentation to the Board on what the aspects of this application are all about, and if there is some limited conversation questions the Board may have, you will respond to those.

MR. CARUSO: I would appreciate that.

JAMES MARTIN: Thank you. You're up.

MR. CARUSO: Well, thank you very much. Good evening. I'm John Caruso from Passero Associates.

JAMES MARTIN: Back up. I didn't read the application.

MR. CARUSO: Okay. I'm sorry. Got ahead of myself. We're trying to keep it brief.

JAMES MARTIN: Not that brief. (Laughter.)

James Martin read the application description.

MR. CARUSO: All right. Thank you very much. We do have a brief presentation. We just wanted to take the opportunity while it was on your agenda to introduce the project.

We understand the status and County Comments not coming back, but Mr. Wadham is here accompanying me tonight and came all of the way from Phelps, so we thought maybe we would teach you a little bit who he is, what we propose to do and then we'll move on.

So Wadhams Enterprises is a family owned business. Rick (Wadham) owns it with his three -- his two brothers. It was started by his father.

MR. RICK WADHAM: One brother.

MR. CARUSO: I'm sorry?

MR. RICK WADHAM: One brother.

MR. CARUSO: I'm sorry.

There -- they're a quality transportation carrier. From bio fuel to milk, they transport those type of fluids and also dry goods in one of his other businesses.

They propose to purchase this parcel that you know as AutoCrafters and has been before your Board -- I saw it come through with the approvals back in -- five years ago or so. But they propose to renovate the site to store and stage their tractor-trailers and trucks.

Currently, they have an operation in Bergen, New York, and what they do is they -- in this area, is they transport fuel. And so the way they do it is they run empty from where they store to our local Buffalo Road -- there is the Hess fuel farm and then there is the one between Chili Avenue and Brooks Avenue, the ones along the expressway, that fuel farm, and they pick up their gas. Then they go and distribute it to all of the local carriers around Rochester.

When they're done with their load, they run empty all of the way back to Bergen. The same thing happens then the next day. They drive all of the way to Rochester empty, load and distribute. So you can see it quickly made sense with the cost of diesel fuel for him to find a local place closer. And really that's what is driving this.

This is a very experienced company. They have several of these type of facilities, and so that's -- that's the crux of what the proposal is. A few more things. We got to sit with the DRC and to try to understand what were some of the past problems with this parcel, with the site. We received some input from the Town Engineer. We're working on doing a better quality drainage system that would be more -- more -- more industrial, if you will -- design.

The County Comments aren't here because we have been working with the County's Airport Engineers to show them the site design to minimize anything that would bring water foal into the area. What they are -- eventually what they're doing is working that out with us before they send their comments into the County. So we know what is holding up County Comments. It's working with the Airport. Them not getting their comments into County Planning.

So essentially what we're trying to do is to try to evolve this drainage storm water

management system so it doesn't hold water and have geese in the area. That's really the crux of it.

And then the last thing was the items that we picked up at DRC, when AutoCrafting came through, they didn't really do a great job with landscaping. We sort of picked up there was a display area up front that really didn't meet code. We sought to expand that, landscape and screen it from the road. We know that was sensitive to the Town. And so we put an application in to the Zoning Board of Appeals to go get that corrected and have that screening put in.

A few other things that we did that is important, and then I will end, is we made sure that we maintained the buffer and separation from the residential area. You will notice in the plan that we don't enter or break into the 100 foot buffer there. That was created between the different zonings of the two parcels.

Um, we made sure that the lighting that we were proposing was just enough to -- so vehicles could see around the site, but not over light. Again, we didn't want to light this like KMart. It's not our intention.

And then finally, um, the zoning that is -- is okay for this use in the -- what is the acronym you used?

JAMES MARTIN: ADATOD. Airport District Overlay.

MR. CARUSO: If you look under that zoning in Chili's code, it actually states this use of the property. So it was important for us to show you that we meet the zoning. So that's our presentation. Rick (Wadham) is here to answer any questions you might have on operations if you want to hear more about it.

JAMES MARTIN: Just I have one brief question. You're hauling fuel, Mr. Wad -- you can come up to the podium.

MR. RICK WADHAM: Okay.

JAMES MARTIN: Your tankers sit there empty, all right, overnight?

MR. RICK WADHAM: Yes.

JAMES MARTIN: Is there any vapor emissions from your empty tankers as a result of carrying the fuel?

MR. RICK WADHAM: I'm sorry, any what?

MR. CARUSO: Vapors.

JAMES MARTIN: You have fuel on board the tankers, all right? I suppose they come back in your lot and they are empty and sit there overnight. Is there any emission of vapors from the fuel that has been carried during day that emits from those tankers at night?

MR. RICK WADHAM: They're sealed. Sealed units, sealed trailers. Um, example would be, I guess, when we deliver to like a Hess station up the street here -- we do the Hess stations in Rochester, um, it's actually a sealed system. Closed system. You actually hook up to vapor recovery at the station, and it goes to the trailer so as the trailer empties, the vapors -- the vapors stay contained.

Once everything is -- the valving is all closed and hoses are removed, everything is sealed and it stays within the trailer.

JAMES MARTIN: The reason I ask that question is, if you're in close proximity to a gas station when they're getting a delivery, for instance, invariably you smell gasoline.

MR. CARUSO: That's how those vent pipes work. When the water -- when the fuel goes from the tank into the ground, it uses those to draw it out. It exhales the vapor from the tank out as the fuel fills the void.

MR. RICK WADHAM: But it shouldn't even do that if the system is working correctly. Because vapors should all be contained right within the system. If that is happening, something isn't being --

MR. CARUSO: Or coming out of the gas tanks because people are using it.

JAMES MARTIN: I have experienced that in person.

MR. RICK WADHAM: No. I -- I agree.

JOHN HELLABY: What type of truck traffic are you looking at generating on a daily basis? How many tractor-trailers are coming and going?

MR. RICK WADHAM: There is 30 to 35 units that will be exiting the -- the facility in and out.

JOHN HELLABY: They are all dispatched at the same time in the morning and come back pretty much around the same time?

MR. RICK WADHAM: No. They're staggered because of the loading facilities. You know, we don't send them all at the same time, or they would just be lining up at the loading racks. So they're staggered anywhere's from five in the morning until eight. Somewhere in that area. Then they will come back in, you know, early afternoon to evening, and then there are some that -- that are run during the night. Maybe half of the fleet during the night.

JOHN HELLABY: How would you envision that truck traffic getting to those terminals, actually making a left out of your driveway and going up Beahan Road back into Gates that way? Or are you -- you probably wouldn't go all of the way around back of the airport over to Scottsville Road?

KAREN COX: Brooks?

MR. RICK WADHAM: I haven't actually measured out the difference. I guess I pictured going possibly both ways. I know there is a train --

JOHN HELLABY: I don't need an answer right this minute, but I would think about it and just formulate in your head when you return what you think you can do.

MR. RICK WADHAM: Obviously we want to go the shortest route, but if it's a traffic

problem, we can split it up or do whatever.

PAUL WANZENRIED: What is your distribution area?

MR. RICK WADHAM: I'm sorry?

PAUL WANZENRIED: What is your distribution area?

MR. RICK WADHAM: Within the city. We're out to -- out to Greece. We're Fairport. Out -- we deliver to BJs out at Eastview, Victor and we'll run out, you know, down into the Southerntier with fuel. As far as Geneva, Phelps area.

From here we'll go back toward Batavia. We have another terminal in Tonawanda in Buffalo which we, you know, manage and service the Buffalo area and south from there and coming this way as far as Batavia.

PAUL WANZENRIED: Do you do repairs on the tanks?

MR. RICK WADHAM: Um, we do repair. Not the vessel. We'll do repairs as far as brake systems, airlines, valves, things like that, but as far as --

PAUL WANZENRIED: Not the tank itself.

MR. RICK WADHAM: We're not permitted to do that. We don't have the proper permits to do that. We use Guthrie Heli-Arc. Actually, they currently lease part of our building in Bergen and they're actually relocating, too. They're building their own facility out that way somewhere. I'm not exactly sure. But we can't -- we can't do any repairs to the vessel itself. We have to farm that out.

PAUL WANZENRIED: Your primary commodity is fuel?

MR. RICK WADHAM: Yes. Fuel oil, gasoline. Um, we also -- some bio. We haul some ethanol. All fuel type products.

DAVID CROSS: You will fuel your fleet in the future with compressed natural gas; is that the idea?

MR. RICK WADHAM: We were looking at that possibility.

DAVID CROSS: I see it on the plan, one of your parking stalls is --

MR. CARUSO: We planned for an adaptation to his equipment. He is thinking that --

DAVID CROSS: Thinking forward? It's good.

MR. RICK WADHAM: Actually, we have a -- we have a demonstration lined up to run a demo truck here in the next month or so. But it's --

MR. CARUSO: They start off with one or two -- he just doesn't know it yet -- and ends up with a fleet of them.

JOHN NOWICKI: 204 Extension, will they be in assistance to this operation?

MR. CARUSO: I don't think he realizes -- Rick (Wadham)'s primary business is, you know, in the middle of Phelps and he branches up here, but I don't think he knows what happening at the Jet View Drive and how he will have access to 204. It will be a good problem to have.

Right now his run -- I saw where Mr. Hellaby was going, but his run to the north would -- would go through a small section of Gates before he got to Chili Avenue. But his run to the south would take him around the airport and into a more commercial --

JOHN NOWICKI: Scottsville Road.

MR. CARUSO: Scottsville Road. So -- but soon enough, that -- he will have direct access to 204.

MR. RICK WADHAM: I heard wind of that.

MR. CARUSO: I will show you that.

KAREN COX: You have the plans.

MR. CARUSO: I don't, but I can't wait for it to happen myself because the trucks run down Paul Road, and it's crazy to see a tandem going down Paul Road.

DECISION: Due to the fact that the Planning Board had not received Monroe County Comments prior to the meeting, no action could be taken in regards to the approval process. The Board looks forward to continuing to work with the applicant on this project.

All revised site plans shall be supplied to the Planning Board prior to the next meeting.

4. Application of Morgan Management LLC, 1170 Pittsford-Victor Road, Suite 100, Pittsford, New York 14534, property owners: Westgate Nursing Home and Rochesters Cornerstone Group; for preliminary subdivision approval of two lots into two lots in Union Square Subdivision to be known as 85 Union Square apartments at property located at 85 Union Square Boulevard and portion of 3327 Union Street in PRD zone.
5. Application of Morgan Management, LLC, 1170 Pittsford-Victor Road, Suite 100, Pittsford New York 14534, property owners: Westgate Nursing Home and Rochesters Cornerstone Group; for preliminary site plan approval to elect 6 3-story apartment buildings totalling 156 units, 5 auxiliary garages, and a 2500 square foot clubhouse at property located at 85 Union Square Boulevard and portion of 3327 Union Street in PRD zone.

James Bonsignore, John Caruso and Jess Sudol were present to represent the application.

MR. BONSIGNORE: Good evening. For the record, I'm Attorney James Bonsignore representing the applicant. I apologize. Some of the presentation tonight will be a little repetitive as we have been before you for concept review and general discussion of the project.

As a result of those discussions, we had done a little bit of research and provided the Board with some requested information regarding things like density and market analysis, as to whether or not the project is appropriate of the scale.

Based on the recommendations of the Town's own third-party reviewer of the market study, I think the information that you have before you shows that this is, in addition, not only a desired project in the community, but also one that is going to be a great benefit to the area, as well.

By way of background, the project site is a portion of the Planned Residential Development District that was originally approved a number of years ago.

At the time of that approval, it was contemplated that the development of this area totaling approximately 102 acres at the time was going to incorporate various elements of development from everything from single-family homes to town homes to -- to the DePaul home.

As part of that development scheme, one of the things that was contemplated was -- was we like to refer to these days as green development. The purpose of the district and the density requirements as they were originally approved was to allow for the clustering of residential development on the site in order to preserve as much area, contiguous area of undeveloped land as possible. Through great effort in collaboration with the Town at the time and through this application, the cluster development is giving us the opportunity to provide a luxury apartment community as -- as is planned here.

Nearly 20 acres of contiguous undisturbed land is incorporated into the PRD District and the purpose of that is, as I mentioned, to maintain the continuity of the undeveloped land and to allow for the clustering of the development so as to provide as little impact as possible to the environmental conditions in the district.

Now, with this proposal, it's 156 proposed apartments on the project area which is approximately 11 acres. And the project as proposed is a three-story building -- buildings with parking beneath and auxiliary parking buildings, and that is specifically designed to minimize the footprint of this project.

And otherwise, with -- with respect to the allowable density within the PRD district, this project could be spread out over a great many more acres. However, in order to minimize the environmental impact and minimize the footprint of the project, it's been clustered in this nature with the three-story buildings to insure there is as little disturbance to the area as possible.

That gives you a basic overview. If you take a look on the board, you will see some representations of the elevations of the proposed buildings and a full color layout of the project. And with that, I will turn it over to John Caruso, our Project Engineer, to answer any specific questions that you have.

MR. CARUSO: Thank you, Jim (Martin). I wanted to ask Jim (Martin) to start with just the public discussion about the overall PRD and what was established. I know that this Board has been through it before, and Mr. Martin and the Town's Attorney and I, we -- we checked this to make sure we had all of the math right before we went forward. The reason why is, because it was important for us before we started this process to have the Board know where did we leave off with the Union Square development from the last project that was approved there. So we're just trying to do an update, find out where we stood with the status of it before we moved forward.

So I wanted -- we asked Jim (Martin) if he would do that for us at the beginning of this. And I think what is important to note, this is not a multi-family residential project. This is a PRD. That is a little different what is going on with the density in the project. The overall parcel was 100 acres.

20 acres got put aside for Conservation, deeded and dedicated to the Town, and what's left is to be had on this parcel.

We're going to take you through the site plan a little bit and sort of focus in on the site and talk about the way that we designed it. And then we'll talk a little bit about the buildings and then open it up to questions. That okay?

JAMES MARTIN: Yep.

MR. CARUSO: So can I go over here for a second?

JAMES MARTIN: Sure. As long as everybody can hear you.

MR. CARUSO: Can you hear me?

So on the site plan, you will notice that the first thing that we did is we tried to align our driveway with the DePaul project across the street, and then for a little bit of character, we made a divided entrance and a mall island.

The second thing we wanted to do was make sure that we had pedestrian access all of the way. Otherwise I knew Mr. Martin would be asking us to give access out to the roadway, so we saved you some breath.

But it really does make the project flow. If you look at it, you will see there is a sidewalk from every building, cross connection, cross sidewalks, pedestrian access, all of the way out to the main sidewalk system there.

The parcel consists of six buildings, and one Community Center, of about 2500 square feet.

The driveway system and all of that, of course, is privately owned and maintained. We have security lighting and parking lot lighting, building-mounted lighting throughout the project that is shown on all our lighting and landscaping plan.

We are providing a secondary means of emergency access to the property. And you can see that here (indicating). The parcel not only is the -- the whole parcel and the property landscaped, but there is a significant landscaping foundation plan, planting proposed along the bottom and base of the buildings.

And then one thing that we're considering doing now is we're considering putting a little bus stop outside in front for people to stand, children to stand, because I'm not sure, but I think the Gates-Chili School District will not enter a privately --

KAREN COX: That's Churchville.

MR. CARUSO: I don't think they will enter a private development, so we would look to satisfy and put a bus shelter there or something.

So that -- that's just a quick layout of the site. But I wanted to talk about the buildings a little bit. And I really -- my -- my presentation and discussion with you now is -- is more along the lines of the -- the foundation and the basis of this design. And Jim (Martin) touched on it a little bit about, um, more green space and the -- the density of this parcel. But I think really what is happening here is that we are starting to enter the -- the more environmental friendly era. And I think that has crept into all of our lives some way or somehow whether you refill your bottles with water or you recycle. I think all of us have some green initiative in our life.

And, you know, you have a very technical Board with two engineers on your Board, and I am sure that even in their profession that you're seeing green initiatives in highway design and construction like we haven't before. And so I think what this Board is starting to see here, with this application tonight, is that it's -- it has evolved into the AE business. You can see that the architectural product that is starting to evolve out of green build initiatives are starting to go this way. And that is less carbon footprint. Another story. Parking underneath.

You already know about the materials. You know, you can't buy carpet that smells any more. Paint doesn't smell any more, all this stuff. I think this community is starting to see this evolution in architectural design for multi-family homes.

I tell you that we are experiencing and doing this in other cities from Albany to Buffalo. And we didn't pioneer it. We have actually gone out and looked to see how other communities are doing it and we're bringing it back here.

This building that you see, this site, has six buildings on it. And the percentage of building coverage is 18 percent. Now, if this was a multi-family project, the maximum could be 30 percent. So we're two-thirds of what a normal project could be, because of the way of the architectural design.

The other thing that you don't see here is you don't see all this extra parking, and that is because a lot of the parking is underneath the building.

To point out the contrary to this project, if we were to take the top story off this whole building, we would still have the same number of units and put them into extra buildings. We would have sprawled and we would have had to produce additional parking to meet the parking requirements for those units. It would take more land and so you can see the benefits that are coming out of the green initiative, how it has integrated its way into architectural design, and I think what you're seeing here is the progression of that.

20 years ago I stood before you guys and I introduced on one of our projects senior housing. You all looked like, "What is senior housing?" It was looked at like it was an apartment project.

But now you guys have 20 more years experience in dealing with senior housing and you know that senior housing doesn't generate half the impacts we thought it initially would. They don't need half the parking that an apartment project needs. To there -- but it was new to us.

And if you will recall back when the first drugstores came through with drive-up windows, how we thought that was the end of the world. This will have the same amount of traffic that Burger King has. No way, this is never going to work. But now you all know that a drive-up window at a drugstore is really nothing.

And I -- what I think -- I think the Town of Chili is seeing here is that they have the opportunity to -- to be progressive and without the risk. And here is what I mean by that: This parcel -- if you were to approval this project, some version of it, it's being approved under a PRD. It's not being approved under a multi-family home -- a multi-family zoned parcel. Whereas, if you have a concern that another developer will come to you and say, "Well, you gave them a three-story building, that I should get a three-story building," this is not that case. This is because it's not permitted in a multi-family. This is PRD. You do have the opportunity to permit this, if it makes sense.

And so what we're trying to show you here is that this new progression of architectural design makes sense. All of the stats show it.

The other thing that you have is this is a pretty small and isolated lot that sits back in. You cannot see this parcel from Union Street. And so it is screened and isolated.

And, um, the other thing is that there was a concern about having three stories next to single-family homes. That was Microtel. This is not Microtel. Microtel sat up against the back of a residential neighborhood. Putting three stories there was not appropriate, and this Board found their way to that. And I watched you struggle through it. You did a good job with it, but this is not Microtel.

This is a site that is stuck back in a middle of a PRD, and it's somewhat appropriate with its multi-family association, three stories back there which can't be seen from the road that is screened. It is nowhere near any single-family homes. If there is ever a place to do it, and that is why I said this is an opportunity for the Town to take a risk on being progressive on the approval

of this project. You can't see it from the road. It doesn't impact any other development around it like the three-story building that you had once before you.

So I just -- you know, I see this, and sometimes it is enlightening to see things as they're happening and, um, I just thought I would give you our opinion on that.

And I'm going to bring Jess Sudol up to talk a little bit more about the interior of the building and some of the progressiveness you might see with respect to storage, because we want you to know how the buildings would perform, if you had a concern on that.

MR. SUDOL: Again, my name is Jess Sudol from Passero Associates. I did want to touch on a couple of things on the interior of the building such as it relates to storage. You might have seen some of the comments come through from the Town Engineer. Storage was a lengthy part of that discussion, so I did want to bring that to light and show you that -- how we're addressing it with our product and also touch on a couple of other elements of the building itself.

Specifically, the interior of it. Because it's three stories, we implement an elevator for the project, so all first-floor living. Anybody moving up to the third floor would have access to the elevator. Not like they're going up three sets of stairs. It is something that is actually portrayed as an amenity to have this first-floor living where all these units are easily accessible.

Some of the other amenities on the interior of the units were touched on when we reviewed this project conceptually a couple months ago. Those include stainless steel appliances, granite countertops.

Again, the garage is inside the building. There is also auxiliary garages throughout the site so people who don't get a spot in the building itself have an opportunity to have an actual covered parking space outside the site. So we truly are bringing a lot of the amenities to the project.

As you see from the -- our market study and also the third-party review of the market study, it is those types of items that really are the basis for this project succeeding.

As far as the storage goes, the reason why I wanted to bring it up was, there is a storage requirement in the Residential Multi-family code. Now a lot of what Jim (Martin) and John (Nowicki) said is applicable, which is, you know, those bulk area requirements aren't applicable to the PRD, but the storage one is one where we thought we still should address it and show you what we're doing with each of the buildings especially given the amount of units that is in each of these buildings.

So the general requirement in the RFM code is 7 percent of the total area of the living space of. Well, and -- and that 7 percent is supposed to be put somewhere else inside the building but outside of the unit. In this rendering here, which you guys have in front of you, actually just a highlighted floor plan, the yellow area designates where that storage is outside the building. It is not quite 7 percent. The reason for that is these are what we're calling luxury units which have been built in very affluent communities throughout New York by this developer. The storage is more appropriate inside the unit. There is a reason why the minimum units in the Town Code for let's say a three-bedroom unit is 1,000 square feet and we're all of the way up to 1,400 square feet. For a two-bedroom, it's 850. We're up at 1100 square feet. We're 20 to 40 percent bigger because of a lot of that storage, a lot of those amenities have been put into the unit themselves.

That area right there (indicating), is a storage area that is inside the unit. Now, I can take this door (indicating), which comes into the unit, and make it a solid wall, and then put the door out to the hallway to try to meet this 7 percent storage requirement that is not in the unit but in the building, but the reality of it is that doesn't make a whole lot sense. Makes a lot more sense for that apartment owner to have the storage inside the building where they can access it without going outside into the rest of the building again. So again, there is a lot of that going on.

You will see all of the different various pink areas where we have extra large closets. There is porches on the buildings.

There is also the garages. You can see here these garages are 23 feet deep. The standard car stall in a lot of communities is 18 feet deep. The standard car is right around 17. Some are obviously a little bigger, some are smaller. With 23 feet, there is a full 5 feet in front of this car that provides additional storage for each one of these garage units which, you know, again is not the letter of the law with the RMF code, but it is one of the ways that we are addressing storage for these occupants.

So when you take into consideration the storage that we're providing inside the unit because we feel it is more appropriate, the storage outside -- I do want to show you the second floor plan, because you will see that once we get up to the higher floors where we don't have the garages, we do incorporate a lot more of that yellow tenant storage.

But collectively all those things do give us more the 7 percent requirement. That is not even taking into consideration the additional storage that is provided in our ancillary garages that are elsewhere on site. Which are again are also extra deep, which also provide additional storage.

And another thing to note is that the 7 percent, you know, by us moving our storage inside the building, now all of a sudden that is counted at -- towards the 7 percent, so we're kind of chasing our tail there. So one of the things that we did is said, okay, well, a lot of that 20 to 40 percent larger unit that we're proposing, um, if we just look at what the code minimum is and what the code standard is and apply that 7 percent to that, assuming that a lot of the balance is between there and where we are is actually storage, then there is only 1600 square feet required, and when you put everything that I just talked about together, not including the garages outside, we actually have 2400 square feet.

So I know that is a lot of math to go through and I don't mean to try to confuse the issue,

but we just felt it was important enough seeing it from Mr. Hanscom that we address it and show you that how we're addressing that in our plan for our building.

I will turn it back over to John (Caruso), and he can wrap up here.

MR. CARUSO: I think what Jess (Sudol) was trying to show and -- was to pay some respect to a pretty good point that came from the Town Engineer's comments, and we wanted to show you that this product deals with many things, and you know, having interior storage is huge, and, um, not only do we meet the storage requirement of 7 percent, but we haven't even accounted for some of the ancillary or auxiliary parking areas that are shown on the parking areas that people could store their stuff there.

So I don't want to belabor our presentation, Mr. Martin. We're happy to answer any questions. There are three of us here, and hopefully we can.

JAMES MARTIN: Thank you, John (Caruso).

Just to go back and reconfirm a point that you made earlier, um, in our code, you know, we do require school bus loading area being provided. Is it definitive the Churchville-Chili School District will not enter the premises of this development to pick up children? I'm looking at where kindergarten kids might have to walk from the far building all of the way, all right, to Union Square Boulevard. That is a fair distance to walk in the wintertime. So it's -- I guess I'm just wondering if that is a verifiable situation with the School District.

MR. CARUSO: I did not call the School District and verify. I assumed that they would not enter private property. They may. But I just assumed the worse case that they wouldn't. And I guess I wanted to put out that we were not opposed to building a shelter.

DAVID CROSS: I think they would by agreement.

KAREN COX: They go into Meadowbrook. So I think that the -- the -- the bigger concern they would have is room to turn the bus around. But I do know they go into Meadowbrook, which is a private -- you know, privately owned development.

DAVID CROSS: They would want an agreement.

JAMES MARTIN: I think that needs to be pursued. If there is an agreement that they would go into the site, then I think you have a layout issue, because I don't know where they -- where they would make --

MR. CARUSO: Well, we would make one for them. I don't see that to be a problem. There are solutions to that. We have looked at it. It's not a show-stopper. That's for sure. If the Board would consider, you know, an approval, if you would consider that a condition of our approval, um, we would come back having that addressed.

JAMES MARTIN: There was another provision under 541-D, and these are special provisions that apply to multi-family units for final site plan approval that every development shall have within it suitable open space available for the use of the residents. 400 square feet of such open space per resident and family is an adequate reservation.

Would you care to address that issue, given the fact that we have a lot of impervious -- you have 18 percent coverage of the buildings themselves. You can't count the storm water management area in that calculation. So our -- so are we -- I guess -- I'm sorry, is the applicant meeting that requirement?

MR. CARUSO: Um, Jess (Sudol) I will have you help me answer that, but, you know, I'm wondering if that does apply to us. Jess (Sudol) has a solution to that on site. I think that you will be happy with it, but I'm thinking that -- that that requirement is, you know, zoomed out and covers the whole entire parcel. I mean, that -- if we make a connection to the sidewalk system and get them access to where they can go down and walk around the storm water management pond and all of the other recreational part of the PRD, I'm wondering if that really does apply to this site specifically.

Now, I think it does. But I think Jess (Sudol) has got a -- a -- an on-site solution that may take the edge off that.

MR. SUDOL: Again, that was another one of the comments that we saw come through from Mr. Hanscom. If you can see on our rendering here (indicating), what we have done since our original submission, is we have looked to actually outline that what we're calling open -- not just open space, but open active recreation type space. A lot of times we associate open space with just straight-up green space.

Well, in this case, we actually have 50 percent space, 50 percent impervious, so we have 5 1/2 acres of green space. Where the requirement for open space that Chairman mentioned is actually an acre and half. We recognize that is not the same thing. So what you see there is areas with enhanced recreation such as a playground, such as landscaping plantings. We include some benches and some trails.

In this large area here, (indicating) that ties back into our typical sidewalk system. Then we also have a sidewalk system over here (indicating) out back behind the clubhouse where people would theoretically be gathering. It actually goes further to the north to where we actually have, you know, recreational type seating where -- where someone could kind of walk down to the end, loop back and come back into the development. Those are the areas we have identified as meeting the Open Space as it is defined in that section of the code and even though, as John (Caruso) mentioned, you, know, there is open space provided for the whole PRD. This is how we met it on site and we do meet the one half acres of designated active recreation open space in addition to the 5 1/2 acres of actual green space or -- or not impervious area.

JAMES MARTIN: Okay. Thank you.

In reviewing the market study that was done, and also reviewing the outside consultant comments that we solicited in regard to the original market study that was done, it struck me that

there was some issues associated with that from the standpoint of rent levels, absorption rates, those types of things that would have an impact on the financial aspects of the project. And there was, I think, some recommendations that this would be a phased development as opposed to a single-shot development, and to see how it would play out from that perspective. Um, I guess what I am soliciting is from the standpoint of the market study that was done and the -- I think it was a very objective evaluation by the consultant that we are required to look at this, um, is that something that is being considered a phased development, or again, is this something that is being looked at as a -- you know, a single development process?

MR. CARUSO: Typically we build the entire parcel and project at once.

When they start to get over 200 units, we would consider a 100-unit phase.

Um, our customer has not made a decision that he was going to phase it. He hasn't told us -- I know he knows of the study, but he -- but it didn't seem to phase him. I guess that would be his risk. You know, we -- it is something, Mr. Martin, that we can take away with us tonight and come back and advise you. You know, if we come in for final, we could come in overall and construction phase it or come back and announce we have looked at it and we decided to go forward for this reason.

Um, but I -- but I do appreciate what you're asking me. I just don't know, um -- it didn't seem to phase our customer.

JAMES MARTIN: I know in the study which was fairly comprehensive, the area that they considered would be their prime area for drawing people to the -- to the project was pretty much confined to Southwest Monroe County and some of the communities and perhaps Genesee County. I don't know. Maybe some areas that might even drift over to Orleans County. That was -- that was the area, the geographical area from which the -- the draw was coming.

I -- again, and it was pointed out, I think, in the study, that from the standpoint of a broader look at this type of development that is going on, I will say across the community, that would include not just Chili, Greece, Perinton, you name it, okay? I didn't -- that was not included as far as I -- you know, I could derive from the study itself. It didn't go too far away from this particular geographical area as -- they use as the prime drawing area.

And so I guess my question is, from the standpoint of what might be going on from a broader scale perspective around the community, um, do the numbers still make sense? I mean if -- if Greece were to build two or three of these -- I'm just speculating at this point, but I mean if -- this type of -- of -- of development were to -- to come about in other communities within close proximity, I mean, we all know, unless there is a traffic jam, you can get pretty much anywhere you want to go in Monroe County in pretty much a half hour. So it did raise a little bit of a yellow flag from my perspective in the financial viability -- again, it's their money, I understand that. It's their risk. That was really not taken into account in the market study.

MR. CARUSO: I don't know how you take that into account. How do you take into account your -- your rent-out rate, anticipating another project that hasn't been put forward yet? I don't know how you do that.

JAMES MARTIN: Um, there was no analysis of what might be on the drawing boards in some of the other communities at this point.

MR. CARUSO: I understand.

JAMES MARTIN: I mean, we're not privy to what is going on in Perinton and Pittsford or someplace. Well, you read about it in the paper, and I know they have their own struggles in getting these approvals. So I just -- I just -- you know, I'm just wondering why maybe that study didn't go into a little more detail about what the competition might be.

MR. CARUSO: The only answer I can give you is if it was significant, maybe that the Town's consultant would have said, "I think we should be looking at this," but they didn't. Um, so I don't have an answer for you on that.

Would you like to know more about lights and traffic, drainage?

JAMES MARTIN: Eventually.

MR. CARUSO: Good answer.

JAMES MARTIN: I'm trying to get at some of the broader-brush issues right now.

I'm going to start with Paul (Wanzenried) on some of the detail questions that I know are on people's minds around this project.

PAUL WANZENRIED: The auxiliary garages, are they carport style or are they fully enclosed garages?

MR. CARUSO: Fully enclosed.

PAUL WANZENRIED: Where do you envision snow storage being?

MR. CARUSO: They push snow to the end of each of the parking areas.

PAUL WANZENRIED: All that parking right to the end?

MR. CARUSO: Yes.

PAUL WANZENRIED: Are the parking areas curbed?

MR. CARUSO: Um, I don't know if they are. The parking areas curbed, Jess (Sudol), at the end?

MR. SUDOL: They're actually curbed up against the building here (indicating) where it is integral with the sidewalk. Elsewhere what we did is we try to utilize sheet flow to more vegetative type channels which is more of our green infrastructure practices. So there is not as much curb on the back side of the lot, but there is all curb along the sidewalks and also along the main drag there where any pedestrians or sidewalks would need to be protected.

MR. CARUSO: We put the extra concrete and put it into sidewalks systems through the project, so we don't want you to think we're using less concrete.

PAUL WANZENRIED: The engineer has a comment about the dumpster enclosures, that they appeared to be excessive.

Is there a reason you made them that big, 14 by 24?

MR. SUDOL: There is one dumpster enclosure that is extra large that meets that dimension. What we tried to do is put one for each one of the buildings, but for Building 1, it is a double one because it will serve two buildings. That's the only one. The rest of them are your standard size.

PAUL WANZENRIED: It would be the tenants' responsibility to take their trash to the dumpster?

MR. CARUSO: Yes.

PAUL WANZENRIED: The height of these buildings, I saw, was 43 feet; is that correct?

MR. SUDOL: I believe that is the average height to the roof line. Just about 49 feet back to the top of the ridge.

PAUL WANZENRIED: Does that exceed -- I thought I read somewhere that that exceeds --

MR. SUDOL: That's exceeds the provision in the RMF code. This is 35 feet. But again, that is not applicable to the PRD. It's an interpretation we worked out with the Town Engineer before we brought this presentation forward.

PAUL WANZENRIED: So that has been solved. Okay.

KAREN COX: Do you see, or does the applicant see this type of apartment complex as being, um, something that would attract college students? I'm just curious since I have spent the better part of 2 1/2 months helping my daughter try to find off-student -- or off-campus housing and they're looking at a place like this out in Pittsford. I know that at RIT they have similar units. So I -- you know, I was just wondering if the applicant will be discouraging that use, or just managing that use.

MR. CARUSO: I don't really know if they can segregate from that, but -- or discriminate.

Um, I -- I think that they would screen that pretty hard. It's not so bad when you have a couple of girls, but they have several guys, it might not be.

KAREN COX: Yes. I'm not being accusatory. I just know that there was an incident at RIT where a student got hurt climbing up --

MR. CARUSO: We know all about it. We have been -- we're doing a student housing project in Henrietta right now, and that's one of the -- one of the management things, that is what the problem is with that project.

PAUL WANZENREID: A management thing.

KAREN COX: I know that the places we looked at do a really thorough screening. I'm not -- I'm -- you're right. It can be managed, and I'm -- I just know that a place like this would be attractive to college students that could afford it or --

MR. CARUSO: They would have to be able to afford it because it is luxury and to have granite countertops for college kids might be a little high end.

KAREN COX: I know. That's what I have seen, just to let you know.

MR. BONSIGNORE: I can speak to a little bit. I mean the Board is familiar with me and my representation of the Morgan Group and various Morgan entities and their projects.

This is -- I can't even begin to count the number of projects of this nature I have worked on with the Morgan Group, and I have personally worked on writing the management agreements. Their screening process is extensive.

Um, a similar project to this, I think, that would be a good example is the Webster Green project right off of Ridge Road out in Webster, across from Town Center where Target and Kohls, et cetera is. Similar product. Luxury apartments. Two, three-bedrooms. And I don't think you will hear of a single complaint with regard to the -- the -- the apartment tenants out at that project.

That's the nearest one I can think that is similar to this, with the -- with the parking underneath, et cetera.

Um, and if any Board members have an opportunity to take a ride out there and see the product that is out there, see how the property is maintained, it will give you a very good idea of how the Morgan entities maintain these properties and control tenant activity, if you will.

KAREN COX: Certainly the kitchens are nicer than my own kitchen. I don't have granite countertops.

When -- what is the timeframe that you would hope to start this?

MR. CARUSO: We would hope to go through final permitting in the next several months and get it -- get a good construction start this summer to have the shells closed by winter.

Um, this site is pretty well prepped. The topsoil has been stripped off. It's flat. The infrastructure is really ultimate for this -- for this property. The sewer and water are all run in. They're all right at the street. And so, um, what I am getting at is there is not going to be all of the devastation and demolition of trees and grubbing, so the site will -- we don't need 30 to 45 days of site work on this property. We're going to be able to get going right away.

KAREN COX: You would expect to have people move in the following year, then?

MR. CARUSO: Once they start, you know, coming out of the ground, I would think that it would be 10- to 12-month construction project.

KAREN COX: They will start advertising prior to that?

MR. CARUSO: Probably about this time next year.

JOHN HELLABY: Um, well, it looks like the Town Engineer did a superb job of going through this thing drawing by drawing with quite a list he has there, so I won't rehash all of that.

The garages in these units, are they like an al a carte type thing? How do you decide who gets -- I see the two corner ones are tied in, but the rest of them are just --

MR. CARUSO: Great question, John (Hellaby). They -- they pay for a -- an up-charge for a garage.

JOHN HELLABY: So if they're looking for -- if it is available.

MR. CARUSO: There are two stalls available for every unit, but if you want covered parking, it's an up-charge.

JOHN HELLABY: You had already mentioned that the sewers, water, gas and everything else is up to snuff.

MR. CARUSO: Original storm water management. I mean, this is what you envision this PRD to be. We are essentially -- I know this is not totally correct, but this has been overall preliminary design and we're a site coming in doing final design except we're going through preliminary and final on one of the sites.

JOHN HELLABY: On-site management?

MR. CARUSO: Yes.

JOHN HELLABY: The only other thing I got is I know last time you were in here, we talked about the complex in Clay that reflected these buildings. I never did see the address for that use.

MR. CARUSO: Oh.

JOHN HELLABY: I don't know if anybody supplied it to somebody up here, but I would still like to see it because I'm up that way quite a bit.

MR. BONSIGNORE: That project is off of Route 31, I want to say, but I'm not sure if it is correct.

MR. POOLER: It is 31.

MR. BONSIGNORE: Dell Center Drive is where the project is located. And that project is well under construction at this point.

JOHN HELLABY: It is not -- it is not existing then, it is under construction.

MR. BONSIGNORE: It's, I believe -- I want to say that they started last fall.

MR. CARUSO: Yes.

MR. BONSIGNORE: It's -- the entire project is well under way. I know, again, with my -- my experience with the Morgan Group, I actually did the construction financing for them.

JOHN HELLABY: Is it in Clay, though?

MR. BONSIGNORE: It is in Clay, correct.

JOHN HELLABY: I will find them.

MR. BONSIGNORE: Dell Center Drive.

JOHN NOWICKI: Are you aware of the comments from the Fire Marshal?

MR. CARUSO: Do we see -- no.

JOHN NOWICKI: With regard to this project? He has made a comment here, "Secondary access needs to be addressed. Additional hydrants are needed. Sprinklers will be required throughout the apartment buildings, including the attic space. Street access of 26 feet wide shall be maintained throughout the complex and multiple dwelling use permit will be needed to be updated annually."

So you have some changes to make on the drawing.

MR. CARUSO: We met with him during DRC and we had a very good meeting with him, we thought, and we talked about accessibility. We got some ideas from him. We talked about hydrants and sprinklers. We talked about the attics. We knew about that. So we just hadn't seen the letter, to answer your question. But I --

KAREN COX: Was just reiterating what you spoke about?

MR. CARUSO: Yes. Good.

JOHN NOWICKI: You're aware of the street lighting?

MR. CARUSO: Yes -- actually, no, I wasn't aware of the 26 foot wide street width, but we can talk with him about that.

JOHN NOWICKI: The letter that we received from the Town Engineer dated April 2nd, you have received this?

MR. CARUSO: Yes.

JOHN NOWICKI: You have gone through every item by item?

MR. CARUSO: Yes, we have.

JOHN NOWICKI: Have you made adjustments to the drawings?

MR. CARUSO: We will.

JOHN NOWICKI: You will?

MR. CARUSO: Yes.

JOHN NOWICKI: The other things I would like to just question a little bit on is the -- if we -- there are other projects around this western area in Greece and other towns that seem to be stalled a little bit, these apartment projects, and I guess why do we see all these apartment projects being built around all of a sudden? Where are all these people going to come from? Is that addressed in any particular study? Because the Town of Chili, around this project here we have several apartment projects, all over the place. And some are well maintained and some aren't.

And my concern is the size and the number of additional apartments that we're seeing here and whether or not, you know, when you talk about a phased proposition here, you know, you could stop the phase any time and we would be stuck with a project that is -- and died in the water. So I'm concerned over that.

Is the Webster project you mentioned, is that three-story buildings?

MR. BONSIGNORE: I don't recall whether or not they're -- they're two or three-story.

JOHN NOWICKI: Okay. The other factor in regards to that situation, RIT that Karen (Cox) mentioned before has three-story buildings. I drove through that last week, and they're all student housing. They're pretty well crowded, parking and people like that. I had very strong concerns over safety issues with all of these things.

The other project I took time to go and visit was the one on Elmwood Avenue which encompasses, I believe, saleable town homes and rental three -- three-story rental building but with completely different architectural design and style. A project like that has a lot of interest to it and a lot of hmm, hmm, hmm. Makes you maybe want to look at it a little more.

And I'm a little concerned about this one, to be honest with you, because we have six boxes here and I'm going to think about it a little longer. So I will put those out on the street for you to think about and the Board, and I will pass it onto you from there, but I want to just leave those open.

DAVID CROSS: Okay. I mean, I have said at two previous meetings I have reservations over a third-story apartment set up here. I don't know that the third story really lends itself to the character of the neighborhood in North Chili. I -- maybe -- maybe could see it at -- in the -- in the Town's community core, maybe in Chili Center at some point, but I don't know that it fits the scale of North Chili.

Um, I -- I have heard about this, you know, this -- this was initially proposed as a -- luxury style apartments. In February, I believe, um, somebody from Morgan Development said that there would be a pool. I don't see that on the plan. They mentioned a rec room. There very well could be one in this clubhouse. I don't see a floor plan, so I can't tell what is going on there.

Um, clubhouse may be smaller if you're trying to do a rental office/Community Center. Maybe undersized.

And I don't see -- for 156 units, I don't see that recreation area is -- is -- is very sizable for -- for potentially the number of kids that are here.

Um, let's see. So -- so that is where I am at. I -- I do like the style. I -- I think that you have shown on your architectural, I think -- it comes -- to me, it comes down to density, and I know you -- I know you may have made some deals with the Town in the past, but I don't know that it is appropriate for this -- for this lot, and I don't know if North Chili is ready for it. So on that...

JOHN NOWICKI: Just I would be interested in knowing Churchville-Chili School District, if -- the student population that would come out of a project like this and the impact it would have on the district.

MR. CARUSO: I'm sorry, could you repeat that?

JOHN NOWICKI: What the student population of a project of this size, what impact -- what number of students that would impact Churchville-Chili School District.

MR. CARUSO: Okay.

DAVID LINDSAY: One comment at the moment here. Currently streetlights terminate at the west end of the project out there. I was wondering if the applicant would be willing to extend those streetlights to the east of the project?

JOHN CARUSO: Where do they terminate, Dave (Lindsay)?

DAVID LINDSAY: To the west end. I guess to the west entrance there.

MR. CARUSO: You mean out Union Square Boulevard?

DAVID LINDSAY: Yes. There are no streetlights that extend across the frontage of that project.

MR. CARUSO: They terminate at the east end where --

DAVID LINDSAY: If you move your drawing down a little bit, you see the two group homes. They terminate just west of that.

MR. CARUSO: How far in front of this project would you be interested in having --

DAVID LINDSAY: Like to extend them across the entire frontage, about five streetlights.

MR. CARUSO: We can take a look at that. I don't think that is unreasonable.

DAVID LINDSAY: Nothing further.

JAMES MARTIN: Just hypothetically going back to the comments around the size of the structures being proposed, and I don't expect a full answer to this at this point in time, um, but were this to only be a two-story rather than a three-story building, um, does that eliminate the financial viability of this project and -- you know -- if you know the answer, fine.

If not, you don't have to answer at this time, but it is a question I have in my mind as to whether or not -- what that impact would be on the development of the units themselves and the entire project.

I have very eloquent Part I of the EAF. I don't know where Part II is.

MR. CARUSO: It's not in the copy you're seeing? There is no Part II attached to that? Okay.

JAMES MARTIN: Just again, up front, as you know, my -- my prerogative if there is a full EAF that has been generated, I'd like to go through Part II, item by item, as a Board --

MR. CARUSO: Yes.

JAMES MARTIN: -- to come to a conclusion on the environmental impact.

MR. CARUSO: Yes.

JAMES MARTIN: I don't have that, John (Caruso). I have looked through my whole packet. I don't know where it is. Usually it is provided.

MR. CARUSO: Just a blank copy or -- yes. I don't know. Do we have one?

MR. SUDOL: Not a blank copy of the EAF.

JAMES MARTIN: Just usually it comes with the part attached.

MR. CARUSO: I don't know why it got tore off, Mr. Martin.

JAMES MARTIN: Doesn't look like it was ever there.

MR. CARUSO: Somehow when it got reproduced, it wasn't there.

JAMES MARTIN: To me, it's a difficult issue right now because I don't have it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ROBERT WILKIE (phonetic), 21 Stal-Mar Drive

MR. WILKIE: I have a little bit of a story. Short one, though, so I won't keep you long. Many years ago builders for this Town thought of a development project, right next door to this one. This was for the elderly. That builder was part of the Rochester Cornerstone Group. Familiar name. If you drive by this development now, you see playgrounds which kind of makes you wonder why there are playgrounds for elderly people? Why would a landlord put in the extra cost and pay insurance for a playground.

If you stay for a little while, you may meet some of the residents of this area. Some of the children that are playing. Um, they use very colorful language. Um, they break out in fights. They trade in substances that are not legal for their age. They're unsupervised by adults. There are no adults in eyesight. If you manage to find a -- if you can find a parent and you bring this to their attention, they don't care. If you call the Sheriff's Department, they take the children to their parents. They don't care. If you bring this to the attention of the management of this establishment, very fine establishment, they don't care. The real people who move here, they're awfully young-looking for retirees. They don't care about our Town. They don't care about promoting our Town. They don't even watch their own children. So why would the Town of Chili want this in our Town?

I ask the Town Planning Board to please put serious thought behind this application. Um, we already have Cedars of Chili with 320 units. We have Meadowbrook Farms, which I called on Friday, has several vacancies. And we have Silver Lake Apartments and now Union Square. Do we really need another 160 units in Chili? Is there that much demand? I would also like to invite the builder to look at creating something that would bring long-term jobs to Chili, not long-term burdens.

If the Board would like any examples of instances that have happened, please feel free to approach me. Most of these instances are not good for public.

Thank you.

JOHN NOWICKI: What is this project you're talking about?

MR. WILKIE: Union Square, right next to this.

JOHN NOWICKI: The one across the street?

MR. WILKIE: Yes.

JOHN NOWICKI: Westwood Commons?

MR. WILKIE: Not Westwood Commons. It's all Union Square.

KAREN COX: Union Park?

MR. WILKIE: Union Park. If you go -- it's Attridge Road, and then you have got --

JOHN NOWICKI: Turn in there.

MR. WILKIE: Yep.

KAREN COX: Union Park -- the one that has an X on this thing?

JOHN NOWICKI: Union Meadows?

MR. WILKIE: Yes. Union Meadows.

JOHN NOWICKI: The town homes in there?

MR. WILKIE: Some of it, yeah.

COUNCILMAN SLATTERY: Patio homes.

KAREN COX: I don't know. I mean it's -- I have that same kind of thing going on in my neighborhood as far as kids.

MR. WILKIE: I have lived in many neighborhoods. This was the worse place I ever lived and I have lived in California and Oakland.

JAMES MARTIN: You indicate you live on Stal-Mar?

MR. WILKIE: I used to live on Cornflower Drive.

I'm open to any questions. If you want examples of things that happened, I could go all night with stories.

JAMES MARTIN: No. I don't think we want to do that at this time. But thank you for your comments.

VINCE FALCO, 94 Attridge Road

MR. FALCO: I am Vince Falco. I live at 94 Attridge Road. Just a question.

These are going to be luxury apartments; they're not going to be government subsidized?

MR. CARUSO: Correct.

MR. FALLONE: You have government subsidized houses across the street from these luxury apartments. I don't know if that will have an impact on the people going to rent the luxury apartments across from the low-income houses. I have a concern with all of the traffic. I have a concern with the height because 49 feet, I can see it from my house because I got a letter, because I'm 500 feet from the property line -- that I will see these three-story apartment buildings from my house which will detract from the area, which was already mentioned.

DAVID CROSS: Where do you live? What is your address?

MR. FALLONE: 94 Attridge Road.

JOHN NOWICKI: Right on Attridge Road.

MR. FALLONE: I'm concerned with increased traffic, snow removal. The -- the incidents that the gentleman said about the police being called to certain areas, I got examples of that also.

I have examples of -- my wife has picked up so far 15 36-gallon garbage bags full of garbage, pornographic DVDs, cigarette butts, just from the new developments that are going on in Chili.

The more -- street traffic. The snow removal. How safe is it going to be? How safe are the kids going to be in that neighborhood because they are unsupervised?

They seem to be -- they're take the green away rather than putting the green into the area, because it is going to be all blacktop, going to be more buildings.

We're suffering from low water pressure now. What's it going to do to the utilities putting all these apartments in?

There are several concerns that I have, and my wife has as far as is this a viable option for Chili, as far as renting, what kind of people are renting, are they going to be families and all these questions I have. So thank you very much.

JAMES MARTIN: Thank you for your comments.

ROGER SMITH, 7 Attridge Road

MR. SMITH: Roger Smith, 7 Attridge Road, down the street from Vince (Falco). I have experienced the same problems that he has. Additional break-ins, right in the broad daylight. iPad stolen out of my son's car. Locked. Sunday afternoon. That is just one of several.

We had the calls, the Monroe County Sheriff many times, and I watched them come down from Buffalo Road, then turn into that same project, and we have got Meadowbrook, right across the street where they're going to be from, and that's a -- really a slum place, almost like Cedars.

And 49 feet ceilings -- or roof lines, you will see that from miles around. There is no way around that.

And the school bus, I work for Churchville-Chili for 17 years, and we will not -- definitely not turn around in there. They will have to send the kids out, to answer that question.

156 apartments translate into probably about 700 new people which will be coming into our backyard, because our backyard is facing right about that same area. And there again, we pick up litter and cigarette butts and all kinds of garbage in our yard every day. Not just once in a while.

And I just think it's a detriment to that whole area, the -- the housing values are going to go down, and day -- I wonder if these gentlemen would like this type of project or any apartments in their backyard. If they can be honest and say that they -- they would like that type of thing. I don't think so.

JAMES MARTIN: Thank you.

RON RICHMOND (phonetic), 131 Attridge Road

MR. RICHMOND: Ron Richmond, 131 Attridge Road. I heard a comment this project would be beneficial to the community. A lot of these folks right here I don't know personally, but this is the local community and I would like somebody to try to explain to us how it would benefit us.

On top of that, I heard a comment about preserving green space. My trees, they might be 40 feet tall. But when a building is -- is as tall as my trees, you're not preserving green space.

The wildlife, maybe everybody doesn't care about it. I do. When you put that kind of population in that kind of footprint, it has to go somewhere else.

Thank you.

JAMES MARTIN: Thank you.

RON GARWOOD, 3331 Union Street

MR. GARWOOD: Ron Garwood, 3331 Union Street. 26 years ago we moved to North Chili. The reason being, to get away from congestion, too many houses near us. And a lot of noise.

I'm finding that we're building a mini city right in my backyard. I don't think I'm going to appreciate looking out from my property and seeing the third story and the roof of this building. So I -- and I also agree probably with most of the comments about who is going to rent them?

There is an empty apartment at Kings Crossing now. There is empty apartments in Meadowbrook now. My kids attended Churchville-Chili, my two daughters. It was never called "Meadowbrook," and I'm not sharing anything new about it. It was called "Ghettobrook." We have another "Ghettobrook" coming.

This is -- this -- and this -- this Union Square Road and the sidewalk, I probably travel twice a day, each day, walking my dog. And just from the picture, before I go on here, a lot of the kids, if they're going to be in this particular complex, are probably going to head down to Buffalo Road. I don't see any -- maybe sidewalks going out to Union Square. I don't see a crosswalk, because they're probably going to be heading to the sidewalk on the other side of the road. So for safety, there is probably got to be at least a crosswalk going over there.

And with a long, narrow building at the bottom, it looks like there is a walkway over to Kings Crossing. I mean, it is the way it is shown there. Why would you have a walkway over to Kings Crossing? Because if you lift the picture up, it looks like those are Kings Crossing

buildings. I don't think --

DAVID CROSS: I think it is emergency access.

JAMES MARTIN: That's a roadway for emergency access.

MR. GARWOOD: That is where the kids are going to go, though. I didn't realize it was an access walkway.

Again, I walk down Union Square twice a day. I have called Dave (Lindsay), the -- Dave (Lindsay)'s office and I have had him at least three or four times a year come and pick up the litter. And I know this young lady has also done that. I just -- because I just heard it and I did meet them on the side walk once.

But apparently all of the pornography DVDs were not gotten because I have also found them. So I -- you get -- and on one cement block there is a large print. There's a word that starts with "F" and ends in "K." That's all my wife and daughter need to see as they're out walking down through that sidewalk.

So some of the people that are already there, and it is probably the subsidized housing folks, they come with their own culture and they leave their culture. I found underwear, hats. I one time walking my dog found a full gallon bag, zip-locked full of fried chicken, loaves of bread and then the pornography DVDs. There is just all sorts of crud.

I called Dave (Lindsay) -- let's see, probably Friday. One of the trees a third from Union Street is at a 45 degree angle. I checked. This was about three weeks ago I discovered it. No tire marks. So I'm assuming kids were probably horsing around and swinging on it and now it is being uprooted. So I asked him to bring some stakes and to tie the tree up. But we have a cultural difference here, too.

I moved here because this is country. And I wanted to get out of the city. And it is really disturbing to find a three-story structure -- I can probably live with two. You're going to be able to see three stories from Union Street. It will be right behind the Community Church. So you're going to be able to see the buildings from Union Street.

We already have difficulty at times getting out of our driveway. Most of the people are probably going to have -- hopefully are fully employed, they're going to go out Union Square over to Union Street and they're probably going to be heading to the expressway. It is just going to add another whole element of traffic for us to either wait or try to get around.

There is a few more things, but some of you have already touched on them, that are pretty important. I would suggest if this is going through, a maximum of two stories.

Thank you.

JAMES MARTIN: Thank you.

CRAIG UNTERBORN, 23 Cornflower Drive

MR. UNTERBORN: Craig Unterborn, 23 Cornflower Drive. I just moved here less than a year ago. And all I can say is that I wish I didn't because not only am I -- not only am I picking up trash from my lawn every single day, but I'm also having to hear the noises of -- especially in the summer, noises of motorcycles and dirt bikes going up and down my street. Right behind my lawn.

And I can tell you as a Roberts grad, I went to Roberts and graduated in 2006 and I have lived in Chili, you know, for a few years after that. I moved out to East Rochester and came back here because my wife found a job in Batavia and this was the halfway point. I love this area. That is why we moved here, because it was a good halfway point, because I know the area very well.

And I can definitely tell you, that those Roberts students, they're going to try to find a way to get into those apartments. Why? Because they want -- because there are strict rules at the campus, and they know that if they can get to an apartment, they don't have to worry about those rules. I can guarantee you that. And I can also tell you that my brother, he lives over in Willowbrook, one your managed properties in Brockport. He can tell me about all of the times that he has neighbors that are loud, rambunctious. Management doesn't do anything for them.

Quite personally, I love the -- I love the drive coming out of my driveway and going down Union Square, going out to Union Street. In fact, I have seen that gentleman almost every single morning going out and walking his dog over there.

And yes, it is going to create a lot of traffic. I already have a hard enough time getting out Union Square Boulevard onto Union Street because of that -- that hill right over there. You can't see anything over there, and then you have all of the increased traffic coming out from Spencerport.

Honestly, I don't like this property being built anywhere here. In fact, I would prefer it to be just the way it is.

Thank you.

JAMES MARTIN: Thank you.

DAVID NAGLE, 3311 Union Street

MR. NAGLE: Hi. David Nagle, 3311 Union Street. I thought it was a good presentation and it's an interesting concept. Um, I have some questions as far as density and traffic flow. I'm -- I'm on the street. Some people expressed sometimes it gets pretty busy there. Wondering if -- and also, as -- if this 102 acre property is considered one or is this a separate parcel for it? Because if it's a separate parcel, there is a degree of density that they have got there, but if that density is replicated in each area, then it's going to be very, very busy getting out of that street. And I don't know if they have plans for a streetlight there or -- some of those concerns. If this --

if this is replicated, every one of those squares, or -- that can be a lot of people.

So that's some of my concerns.

I think a lot of people expressed good concerns and like I said, it's an interesting concept, and I'm sure you're going through it all.

Another thing is possibly the -- the garages, that it is a very wet area. I don't know if that is addressed or whatever. I imagine it is. But it is, you know -- especially going onto the side street, it is very swampy. So I don't know if that is how they're going to deal with that, whether they're going to have pumps through it, or it's going -- or they're going to put it into a swale area. You know.

Or if there is a combination -- combination sewer or a separate sanitary sewer dedicated just to the parking lots and the -- the -- the driveways underneath. So. But, you know, those are issues of some concern.

I wondered, was this -- this sounds like this was talked about before here?

JAMES MARTIN: I'm sorry?

MR. NAGLE: This is not the first meeting of this.

JAMES MARTIN: No. We had a -- a discussion about it.

MR. NAGLE: Because this is my first that I had anything --

JAMES MARTIN: This is the first Public Hearing.

MR. NAGLE: Okay. I wasn't sure of that. So.

KAREN COX: They came in for what is called a discussion.

MR. NAGLE: All right. I wasn't sure the way they were talking. I wasn't sure if maybe I missed or not. Those are some of my concerns on it.

I'm sure that -- that it will be discussed here. So thank you.

JAMES MARTIN: Thank you.

PAULINE SLATTERY, 127 Attridge Road

MS. SLATTERY: Pauline Slattery, 127 Attridge. 20 years ago my husband brought me here from Greece and I thought to myself, "My gosh, where am I?" It was so far out. I was like, "I'm in the middle of just barren country."

I fell in love with it here. We lived in a subdivision for 20 years. We decided it was time to, you know, not be in that type of setting, have some space between us and our neighbors. You know, woods in the backyard. We bought on Attridge. We have a dog. We walk that dog every morning, or my husband does actually.

And we didn't really realize what was down there in Union Park, and it's very discouraging to have built a brand new home and to see destruction every single day. Just tire tracks on the lawn. Broken glass on the sidewalks. That -- one day I'm waiting for him coming home holding our dog because she has cut her paws wide open.

I think when you put this kind of apartment complex with the amount of people, it is just going to add to that type of chaos because what is there right now, it will just draw more bad behavior. So I really hope that you will take that into consideration.

And plus the height of it is really going to be an eyesore. And you will see it. And like that one gentleman said, I don't think any of them would want that in their backyard.

Thank you.

JAMES MARTIN: Thank you.

DAVID MEYER, 26 Pleasant View Drive

MR. MEYER: David Meyer, 26 Pleasant View Drive. I think enough has been said about the height, but I just want it on record I'm not in favor of a -- three-story buildings in the Town of Chili in that area, specifically of North Chili.

Um, second thing. I'm bus driver for the Churchville-Chili School District and my understanding, if I remember correctly, that Churchville had to re-work a lot of their students, um, this year and change -- like Meadowbrook now goes to the Elementary School in Churchville. They have moved a lot of their students there because of the overcrowding of some of the elementary schools we have.

I would be very concerned about families coming in here, and I think it's important, and I agree with what you're saying, that they really need to take a look at that and talk with the School District before they even start to consider bringing that in, because it's going to affect the schools. We have already had to move a lot of our students from this area around for that.

And as far as buses getting in there, I agree. If -- if there are buses that are going to go in there, that needs to change because I drive a bus and I could never get around in that area.

Um, and the third thing is that, um, density, I'm concerned about the density of that whole area. You know, if this goes in there, what is to happen next? What else is going to go in there? How many more houses will go in there? How many more apartments will go in there? You know, um, it just seems like it's -- it's getting too dense for what we can handle.

Thank you.

JAMES MARTIN: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Dorothy Borgus, 31 Stuart Road. I don't live in the immediate area. However, I am a Chili resident. I have been here my whole life, and I feel sorry for these people. And I am glad that they have taken the time to come here tonight and let you know what they think, because too many decisions are made in a vacuum. You have got to understand what these

people are going to go through if this goes -- if this goes along as planned.

I have some very definite questions, however. Has that emergency access that is shown on the last map from March, that goes into Knights Crossing, has that been approved by the landowner? Has that been approved by Knights Crossing, or is this a wish on the part of these developers?

JAMES MARTIN: I will answer that by saying the project can't go forward without a secondary emergency access point to the property. Now, whether that's been fully negotiated between the two landowners, I don't know the answer to that. And I don't know if that could be answered at this point. You don't have to answer it if you don't know the answer.

Okay. Fine.

Well, I think -- they can't go forward without it. I can tell you that.

MS. BORGUS: Well, I -- if I were that person who owns that -- that Knights Crossing, they -- why would you want that going through your development? That is a very, very crowded development, as it is.

And, you know, I mean -- I suppose the dollar talks, so I don't know if there is enough money involved. Maybe he will go along with it. But I certainly can't imagine what the people that rent there will think when all of a sudden they're -- they're the out -- they're Plan B when there is an emergency.

I have a problem because I looked at the maps. I believe the last one was dated March 13th. This -- the exit road that is proposed there for this emergency exit, as I read that map, is 15 feet wide. Is that right? Is that what is shown on the map?

JAMES MARTIN: Which -- which --

MS. BORGUS: This is the emergency access road going over to Knights Crossing. I believe it is shown as 15 feet, the pavement.

JAMES MARTIN: I don't know the answer to that.

DAVID CROSS: Probably close to 15. Probably close to 15.

DOROTHY BORGUS: My question would be, if you're going to build a three-story building and you have a fire, and you're going to need a ladder truck, how is a ladder truck going to get -- manage on a 15 foot pavement? Number 1.

And if you're insisting -- if I am hearing you right, you're insisting on 26 feet of -- of pavement width throughout this project, right? Then how can you possibly think about 15 feet for an emergency exit? That's insane. On so many levels.

Then -- a lot of this, this -- this project, and its facets, are not in accord with our Comprehensive Plan. Mr. Cross sat on the Comprehensive Plan. I sat on it for what, 2 1/2 years? We know that plan backwards and forwards. It's on the back of our eyelids.

You better take a look, because this does not agree in a lot of ways with what we -- what is written down. We gave it a lot of thought. So you better look at the Comprehensive Plan and these developers better start looking, too, because we're not going to tolerate somebody coming in and wanting to build something that is just against everything that we want in this Town.

One of the things in the Comprehensive Plan that we mentioned was affordable housing. This sure isn't affordable housing. By my figures, we're looking at for two-bedroom apartment with a garage and utilities, we're looking at what, \$1400 a month for two bedroom. Now, that's not affordable housing. This is not what we meant when we drew that Comprehensive Plan up.

And Mr. Sudol himself called it luxury apartments. I heard "luxury apartment" over and over and over tonight as though saying those words and making it a high-priced building takes away the culture problems these people are having already. Just because people have the money, if they do, it doesn't make them good tenants and it doesn't make them good neighbors and when they're renters, frankly they don't care.

Now I would like to talk about this market study that the Town, I believe, arranged for this? Am I right?

JAMES MARTIN: The developer did the -- had the first market study done.

MS. BORGUS: Is this his or the Town's (indicating)?

JAMES MARTIN: We then referred that market study to our consultant that did a review of the original market study, and then inputted that to us.

MS. BORGUS: So this is the review of the market study they had done?

JAMES MARTIN: I -- GAR.

MS. BORGUS: GAR Associates.

JAMES MARTIN: That was the applicant's market study.

MS. BORGUS: Oh, no wonder then there is so many holes in it. I read it three or four times, and I think I'm missing something. Because it's -- it's -- it's incomplete. There is old data. There assumptions, blanket statements. It's horrible. It's horrible. In this market study, um, this woman who -- who -- this Carol Oscar, she addresses rents and what she thinks the developer can charge, and I think her own admission, they're not going to be able to charge what they would like to, because even -- even she says the rent is too high. But as much as she addresses rent, she does not address the need for these apartments.

And I'm -- I have taken these classes. I have a degree. And you -- you don't just look at rent. You look at what -- do you need this? Is it saleable? Will it stay full 105 years from now? Will it even move? Is it too expensive? Are the people there too -- to fill it? How about needs in the community? Are there stores and roads and infrastructure? None of that is really done in depth here. This is a very superficial study with a lot of holes. A lot of holes.

She talks about a 3.6 growth rate, um, in Chili. Well, guess what? That's from 2000 to 2010. And guess what? Park Place on Union Street happened in that timeframe. That alone

would account for the 3.6 percent increase she sees in 10 years. She doesn't talk about anything after 2010. This is 2013. There is no data from 2010 to 2013, and -- 2013 and she would never -- she can't come up with a number. And I will bet you if she could, it wouldn't be anywhere near 3.6 percent because Chili is not growing.

Where are there houses being built now? And if there is any growth in Town, it's because students who have gone off or and gone to school or gotten a job and maybe lost it or are on hard times with the economic situation, maybe they have moved home with their parents. You going to count them as growth in Chili? This thing is just -- this thing is an asinine study.

The height, as you have heard about, now -- now, I heard 39 feet. I looked at the maps. I see where it is 51.5 feet to the peaks, not 49. 51.5. Our -- our code allows 36.

And I agree with some other comments from the Board members and certainly from the audience, three-story buildings just do not fit in -- in the -- in the neighborhoods of North Chili.

The one entrance and exit, as you said, is -- is what is on the map, and -- and maybe, you know, you're saying now that you wouldn't be approved with only one entrance and exit, but that 156 apartments is -- is not the number of cars you're going to have. More -- if you have a two-bedroom apartment, a lot of these are couples. Maybe they have teenagers. Two or three cars to a -- to an apartment is not unusual. How many cars do you think can come and go out of one entrance and exit? And the crash gate doesn't begin to fill a 365-day need for access and exit.

Again, when these people were in before, they talked -- first there was going to be a -- a Recreation Center, Community Center. And then it wasn't on the map. Then talked about a pool. And the pool was on the map but for a while -- well, there is no pool there now. I guess you see that, no pool.

And they talk about trying to gloss this over as three stories being that far off the road and everything, nobody will see it. That's a lot of bunk. These three -- these three-story buildings, if they're built, will be right across the way, very close to these -- those homes that are -- that are there, um, for the disabled. Those are single floors. Single floor.

This thing will dwarf them. You talk about an odd misfit, this is it.

Now, they talk about there is 11 acres on this site and how there are 20 acres that are left as green space. Could somebody tell me where that 20 acres is?

JAMES MARTIN: It was the parcel of property that was dedicated to the Town across the road.

MS. BORGUS: You know why it was dedicated to the Town? I will say it. You won't, but I will. Part of it is junk. It's wetland. It's swamp. No wonder they gave it away. Now they want to call it a benefit? And it's green space? I mean, we were not all born yesterday. We're not stupid. And we don't like being lied to.

My next question was, did the Planning Board go to Clay to see their project there? And I heard the answer. No, you didn't because --

JAMES MARTIN: We didn't.

MS. BORGUS: No, because they didn't tell you where it was so you could go look.

I see in -- in the -- in some of the paperwork that I looked at, a pile about this thick (indicating) in the Building Department that they have washer and dryer hook-ups in these apartments but no appliances. That's odd, don't you think? I mean, there is no laundry facilities in any of these apartments? They have to hook up? I don't think most people in an apartment go out and buy a washer and dryer. So, for those people, where is the laundry facility?

Another thing that these people here tonight don't know that I have heard, because I was here for the other meetings, is these -- these people are very, very careful when they answer the question if these succeed and get filled, are they planning on doing more apartments further west. And they hedge. To me, after all of the Planning Board meetings I have come to after all of the years I have been here and done this, that means yes. If we can make a buck, yes. So what you're looking at now is probably only the beginning. There is land down there, and they're not going to rest until they have it covered with as many apartments as they can squeeze in.

Again, I have questions about the school buses. These drivers -- you have two drivers here tonight. There is nowhere that you can turn a bus around in that configuration.

So -- and frankly, if -- if I had children, they -- they wouldn't walk from the far corner of that out and stand on that road by themselves. That is not safe. I don't think that is the kind of thing we want to promote in this Town.

The phased development is a real worry. We have got projects in Town, and I could count them off to you. I could probably give you three or four right now that are started, and they never finished. They have been hanging around and every once -- every blue moon, every 35 years -- they -- they rise from the ashes like a Phoenix and they're back and nothing happens. They go dead again. This cannot be that kind of a project. Either they build it or they don't.

Again, I agree with what -- Mr. Martin's comments, too, this market study, as far as I can see, does not even look at other adjoining towns to see what projects they have in the pipeline that would affect this on a major scale. For all we know, there is one of these complexes or two going through their Boards right now. There could be hundreds of more apartments being planned right in the -- right in this area, and we would never know. We got to know. If this is going to be approved, we have got to know the bottom line. And we don't know it now.

The snow storage, when they say they're just going to push snow to the end of the parking areas, that is -- there again, it's a cop-out. That's no answer. This is a lot of pavement. You have 100 -- you probably got 300 cars plus in there. How will you just push snow to the end of a parking -- a parking lane? The garbage, you -- have you heard how these people already there

treat their garbage? They throw it around. And you think, or these people think that 156 tenants are going to walk their trash to a dumpster?

If they believe that, then there is a bridge in Brooklyn they should look to buy.

As far as the college, the student issue goes, um, they compared a project in Webster near the Target mall -- I don't know the name of it -- Webster Square I believe it is, and they said that that -- that they -- they don't have a student problem there. No, they don't, because it's not a near a college. Why would you compare something in Webster, on 104, not -- nowhere near a college and say, "Well, we don't have students there, so you won't have students over in North Chili."

North Chili, this apartment -- this apartment complex is very close to Roberts and I agree, they will find a way to get in there. They will. And haven't we had enough of that over in the Ballantyne area with RIT? They will find a way.

And you think that the rents are high enough? No, it isn't. No. One of them will lease the apartment and five more will move in with them. They know how to do this. It's the book and they take the page out of it every time and they will afford it. And they will be there. And it will be trouble.

We need to know the impact on the Churchville-Chili schools. Against it's a "don't know." I don't like people coming in with this kind of a project with "I don't know" for answers that this Board asks.

And I think it's disgraceful there is no Part II on that EAF and nobody even knows the difference. You did, but they didn't.

In short, it's horrible. And I hope this Board does its due diligence.

And we need a market study that means something, that looks at all of the areas around, not just that little spot. Do a -- do a radius of -- I don't know, pick a number. But find out what is going on around us before we say this is fine for Chili. It's wrong. In so many ways.

There are so many unanswered questions, that it's scary. Absolutely scary. How many thousands of apartments do we have in Chili now? Too many. And a lot of them are in West Chili and North Chili. People out there, me included, I live in West Chili, we don't like it. We don't like it. Fortunately I have land around me that I own and they can only get so close.

These people don't have that luxury. Listen to them.

GAIL SMITH, 70 Attridge Road

MS. SMITH: Gail Smith. I live at 70 Attridge Road. We moved to Attridge Road 28 years ago to raise our children. It was beautiful. Real quiet. The road was quiet. It was wonderful. We have lots of wonderful animals in the back. We have deer, we have rabbits, we have geese. We have it all.

So I ask you, when you go home tonight, look in your backyard and wonder and search your heart and see if you would like 700 people moving in your neighborhood, in your backyard. They won't approve this in Pittsford. That is why they're over here. So let's not approve it here in Chili.

Thank you.

MR. BONSIGNORE: Mr. Chairman, if there are no other comments from the public, I will just make a couple of brief responses to some of the comments that we have heard this evening. And I will confer with Attorney Jones probably tomorrow so you can look forward to a call from me, Mike (Jones), and we'll confirm and go through the list of the -- the issues that the Board wants us to address.

And between John (Caruso), Jess (Sudol) and I will we'll put together a response and get something to the Board.

But out of personal note, I do want to address one question that was asked several times, is whether or not, you know, any of us would want this kind of project in our backyard. And I can personally attest that my mother lives in Webster Green, and I have -- 100 percent unequivocally would not have a problem with this type of community. I'm there, you know, at least probably once a week. I go there on weekends and summers when there is a lot of activity. Tenants are there. Kids are running around.

It is an incredibly well-managed property. Morgan has -- with these types of communities has incredible reputation as far as maintaining these properties and a good number of the issues that -- that -- number of people have addressed simply don't exist in these type of communities, especially these types of communities when they're managed by the Morgan Group.

Um, and I -- I didn't -- I did not make a comparison to the Webster Green project having anything to do with student housing or young tenants. My reference there was simply because of my own personal experience in knowing how that project is run and maintained, and it's a similar product. Buildings are a little different. Configuration is a little different, but the -- but the core development is essentially the same as you will see with a project of this nature.

And that -- the Clay project on Dell Center Drive, I think you will find they're impeccably maintained. So some of these issues that are being raised and -- in conjunction with reference to the subsidized housing and things like that simply don't exist here.

The other main point I want to touch on, is based on the comments, there appears to be a great deal of misconception as far as the density.

This is a Planned Residential District. This is one part of that. The contemplation of the development of the overall 102 acres has been in place for the better part of the last 20 years. And I know people are concerned about well, if there is 156 units here, is there going to be 200 units here and another 100 units there? The answer is no. Because there is a limited number of contemplated units that is permissible in a district.

This particular project was specifically contemplated as a clustered development to preserve open space and to limit the environmental impact of residential development within the PRD District.

You are not going to see this replicated throughout the rest of the PRD because it's simply limited by district regulation as to how many units you can and what the density, overall density of those units is. And I think I would encourage everyone to go to the Town and take a look at the PRD approval, and I think that will illustrate a lot of what your concerns are as far as the density of the overall project.

And again, that goes to the same thing with the traffic. There is a specific number of units contemplated for the PRD District. The traffic impacts have already been analyzed. That is the reason why the number of development units within the district was limited in the manner that it was. Impacts on the school district and traffic concerns within the area have already been contemplated and addressed by the virtue of the limitation of the number of units permitted in the district.

So again, I would encourage anyone who has concerns over those issues to take a look at the prior approval for the district itself and I think that will shed a lot of light and provide a lot of information that perhaps people didn't have previously.

With that, to the extent there are other issues as far as the buildings themselves, snow removal, the width of access ways and things of that nature, again, I will talk to Mike (Jones) tomorrow. We'll put together a comprehensive list and make sure those are addressed to the Board's satisfaction.

Thank you.

MS. BORGUS: Mr. Martin, have you closed the Public Hearing?

JAMES MARTIN: I haven't closed Public Hearing.

MS. BORGUS: I would like to --

JAMES MARTIN: It's still open. A couple comments regarding your comments. Yes, the density factor was evaluated very carefully based on the approvals that were given. I forget what year it was.

John (Caruso), you know that history quite well. When the original PRD was approved for the project, I know it was eight and some units or something of that nature that were approved for the entire site.

And the addition of this would still keep that number well under what was in the original approval. I want people to understand, from a density standpoint, that is a not a real bone of contention, all right, from a legal perspective standpoint.

In the report we got back from our consultant that looked at the market study, okay, um, she made a comment that there was a reference to two projects from Gates that are in conceptual stages, including a project in the early planning stages on Elmgrove Road for creation of a 200-unit proposed project over there, and another one in Canal Ponds. Okay. So there was some reference to some surrounding developments that are being planned in other communities.

Um, but she says there was no mention, all right, in other communities such as Greece, okay, and places like that that are in close proximity to Chili. As I said, you can be in Greece in 10 or 15 minutes from here. So, you know, I just feel from the standpoint of the market study that was done, the comprehensive nature of it, to me, does not in my mind muster a complete study, okay, as to what really this project would have in the way of absorption rates, the pool of potential renters, as to where they would be coming from, and so, you know, it's -- I think the memorandum that she put together, in looking at the GAR Associates market study, leaves a few unanswered questions in my mind as to viability of the project itself.

Um, as far as a lot of the comments that were made tonight, so far in the Public Hearing, um, yes, there is problems over there. I think everybody recognizes that. When the subsidized housing projects went in there, um, I don't -- I don't remember that there was any discussion at that time on potential impacts, all right, from an environmental standpoint, morality standpoint, whatever it is.

And yes, there are problems over there as a result of that.

However, you know, people have -- have to have a place to live.

KAREN COX: Isn't that considered affordable housing?

JAMES MARTIN: When that was put in there, it was considered to be affordable housing. Yes. It is a very emotional issue. I can understand your concerns clearly from what is happening over there to your neighborhood as a result of that.

And, you know, it certainly is not conducive to what I will say good -- good living conditions, but it's not the prerogative of this Board to really do anything about that. I'm not finished yet. I will let you speak for a minute.

So from that standpoint, you know, there are several issues that I think have been raised tonight, and John (Caruso), I -- you know, when I went through the package, I saw the Part I of the EAF, the full EAF. I expected the Part II was in there, which it always has been. Your company is very, very good at doing that. And it's not there. So I cannot review the SEQR issues tonight. We cannot vote without the ability to do a SEQR determination, as you are well aware.

So that's also an issue. So I will stop. If you have another comment over here.

MR. RICHMOND: I do. Thank you. Just in response to some additional information. Um, it was said that if we had concerns, we should probably go review the documentation and some of those would be answered. There is nothing in the documentation that is going to tell me what the physical impact of the eyesore of a three-story building will be. There is nothing that

will identify that. Another comment made earlier that I forgot to mention that I wanted to address is early on in the presentation it was said that this would not be put up near any single-family dwellings. Everybody that I have heard from tonight that lives in the community, we're all within about a quarter mile. 440 yards from that. No single dwelling in the area. That's all I have to say.

Thank you.

MR. SMITH: This gentleman here said that he visits his mother and it's really nice. He visits his mother, but the mother doesn't live in his backyard.

JAMES MARTIN: Thank you.

I think based on where we're at, and obviously we're headed for a tabling tonight, I'm not going to close the Public Hearing. We will keep the Public Hearing open on this project. There may be additional information that comes forth as they have their discussions with our Counsel and with the Commissioner of Public Works, the Town Engineer. And that being the case, there probably will be some revisions to the plan that we have in front of us tonight, and given that, I am not going to close the Public Hearing. I will keep the Public Hearing open. So at this point --

MS. BORGUS: Mr. Chairman.

JAMES MARTIN: -- anything further from the Board?

JOHN HELLABY: I have one question for Mr. Lindsay. If you would be so kind to help me understand the paperwork from Susan Payne. It's a little bit confusing. I got two memorandums, both dated the same date. The one of them reflects questions and/or comments that you apparently had. Were those comments on this report?

JAMES MARTIN: The -- I can clarify that. All right. The initial report that came back from our consultant, all right, was a draft. She requested us to get back to her with any questions or concerns that we may have on her draft. That generated --

JOHN HELLABY: You did not have what this is referring to?

JAMES MARTIN: This is referring to her initial report.

JOHN HELLABY: Which I personally don't have.

JAMES MARTIN: You don't have this full initial report?

PAUL WANZENRIED: Yes, you do.

JOHN NOWICKI: Should have been in the mail.

JOHN HELLABY: All right. So referring to this (indicating).

PAUL WANZENRIED: Starts with background.

JOHN HELLABY: I got you. It's not clear in that aspect. All right.

JAMES MARTIN: We're all square?

JOHN HELLABY: Yup.

JAMES MARTIN: All right. Thank you.

Anything else from the Board? I am going to make a motion that we table this to -- to the upcoming meeting that is to be determined, pending resolution of several of the issues that were brought up tonight, and pending obviously the need to complete a SEQR analysis on the project.

Do I have a second?

JOHN HELLABY: Second.

JAMES MARTIN: On tabling the application.

DECISION: Based on the review of the proposed apartment complex in Union Square, the application was tabled. The Board was not able to complete a SEQR review and make a determination.

During the review, several issues were raised regarding the market study. Attached to the decision letter is a memorandum from Susan Payne. Ms. Payne was contracted by the Town of Chili as a consultant to review the market study conducted by GAR Associates which was supplied by the developer. Her comments should be reviewed and addressed during further review of this project.

Concerns were raised regarding the height of the proposed buildings.

Also, consultation with the Churchville-Chili School District should be documented regarding school bus pick-up location and enrollment impacts.

Some other minor concerns were raised during the public hearing that should be addressed at subsequent reviews of this project.

The public hearing was kept open.

MR. FALCO: Mr. Martin, will I get another letter in the mail -- since I'm 500 feet from the proposed project, will I get another letter?

JAMES MARTIN: It will be a continuation of the Public Hearing, since I have not closed it. So notifications will go out, and it will be published as a continuing Public Hearing.

MR. FALCO: Thank you.

FOR DISCUSSION:

1. Archer Road Vista, LLC, 783 County Road Number 42, Fisher, New York 14453 to

discuss the revisions to the Vista Villas (formerly called Links at Black Creek) Subdivision.

Jeremy Smith, Gary Pooler, John West and Bill Arieno were present to represent the application.

MR. SMITH: Good evening, Mr. Chairman and the Board members. My name is Jeremy Smith. I'm here on behalf of Archer Road Vistas, LLC. With me tonight is Gary Pooler and John West and Bill Arieno from Forest Creek Equity and Faber Homes Corporation.

So we had a discussion with the DRC Committee regarding the redesign of the Vistas property. In a nutshell, what we would like to do is discuss the possibility of the elimination of the golf course and the elimination of the HOA that goes along with it for maintenance purposes. If the golf course goes away, the HOA is not needed. What we're proposing is a traditional single-family subdivision. I have pinned up here the initial preliminary approval map which is on the left and our concept which will be on the right there. I believe you guys have the maps that are put up there; is that correct?

JAMES MARTIN: Okay.

MR. SMITH: What we have done is kind of laid it out as best as we could, based on the information that we had. We realize that this is a concept, that there are going to be areas that have to be addressed, tweaked, modified, et cetera as we go through the process.

Some of the biggest things that we have done, currently there were two holes that were put in. This hole here (indicating). This hole here (indicating). And this one has yet to be put in. So right now there are the two existing holes. What we would like to do is part of the infrastructure that is currently in place, that is the dark line here, that is all installed, we would like to eliminate the hole on the top, run the lot lines through the back, over on the second hole, to eliminate it and turn this into a cul-de-sac area which would yield a few more lots.

Again, we realize that we may lose some as we go through this process if it is something that the Board sees fit.

The -- as far as I know, and Gary (Pooler), you may have some more to add on this than I can, at this point, there is no plan to install the remaining holes; is that correct?

MR. POOLER: No. We only put the first three in because they were approved for the first phase.

MR. SMITH: Of the first three there are only two installed.

MR. POOLER: Yes.

JAMES MARTIN: Just for the record, Sandy (Hewlett), you have Mr. Pooler?

SANDRA HEWLETT: Yes.

MR. SMITH: So, again, going along with this redesign, we would like to discuss the elimination of the HOA because of the burden it puts on the community, one; again, if the golf course is not there, it is not needed for maintenance purposes and there is no other purpose to have the HOA in the community.

Also, we would like to incorporate into the redesign the elimination of the gutter conductors that I know are mandated under the Town Code. We had experience in other communities, mainly Park Place in Chili where we have eliminated these, discharged the gutters onto the -- onto the lawn. Um, this also corresponds with the EPA and DEC regulations for green infrastructure. They don't want to push the water to the creeks. They want it to dissipate over the land, get filtered out and dissipate that way rather than rushing them through the storm sewers to the creek.

JOHN NOWICKI: You're saying no gutters?

MR. SMITH: Gutter conductors. The entire site has the gutters at the street. The -- your code mandates that the downspouts, gutter downspouts are tied into the storm sewer system. The gutter conductors. That -- I'm not sure what portion of the code it is, but it is in the Town Code. I don't know, maybe Dave (Lindsay) can reference that, the code section for that.

JAMES MARTIN: It definitely is in the code.

MR. SMITH: It is in the code. So part of this we would like to open up the discussion for elimination of that. Again, this would all be tied into the redesigning of the subdivision.

KAREN COX: What is the advantage to you guys of eliminating that?

MR. SMITH: Cost to the end buyer.

KAREN COX: Because there is no sewer hook-up?

MR. SMITH: It would cost us anywhere from 3500 to \$4,000 to -- per lot to attach them to the storm sewer system.

KAREN COX: Okay.

MR. SMITH: It also lessens the burden on Black Creek because all you're doing is pumping it into the storm sewer, it is getting it to the creek faster.

JAMES MARTIN: Just -- you know, we had a -- a discussion, all right, on -- it is my understanding that there is going to be an incentive zoning package put together on this project that --

MR. SMITH: Correct. We would like to propose something of that nature to address.

JAMES MARTIN: So amenities and --

MR. SMITH: To address some of the open area requirements that are currently --

JAMES MARTIN: You have touched on a few of things, but there will be a formal package coming forward?

MR. SMITH: Correct. I have a package of information here I would like to hand out to you guys for consideration. In it I have signatures from the current residents in favor of the

elimination of the HOA. We have -- that will be the first thing on top.

Second is the incentive zoning session within your Town Code.

And lastly, um, the incentive zoning agreement that we had for the Park Place Subdivision for consideration. So it would be something similar to that that we would be proposing. I have copies here for each one of the Board members as well as side table here.

JAMES MARTIN: You can pass them all out when we're finished. Would be good information to have because obviously you will be back before us again.

MR. SMITH: That -- we're here, as a concept, as a discussion, to get some feedback from the Board. Ultimately we would like to, you know, get your approval on -- on the concept design and move towards the Town Board to actually get the preliminary -- the revised preliminary concept approved.

JAMES MARTIN: I know you're not into detailed phase yet, but I know one thing as far as the lawn is sidewalks on both sides of the road.

MR. SMITH: I believe that we're already talking about that.

JAMES MARTIN: Concrete sidewalks.

MR. SMITH: Correct. (Laughter.)

MR. POOLER: Broom finished. (Laughter.)

MR. SMITH: There is numerous things that we have talked about, either on the side or at that meeting, or in private with Gary (Pooler) that would be addressed as we move through the project.

JAMES MARTIN: What -- I'm trying to remember the number of increased units that you end up with based on the original plan.

MR. POOLER: Jim (Martin), we were approved for 193 townhouses, single-family with a clubhouse maintenance facility. This whole area down here (indicating) was the clubhouse. I don't know what the consideration is for units for all this thing down here (indicating). So we are approved for just under 600. We have 249 acres total, but a lot of this is flood plain, so we can't build on it. So we can't get to the density, and all I really did was throw a concept up. I kind of wanted to get your feedback to see what you thought. We kind of talked about the golf holes. It's a big deal. We kind of need to know your thoughts here. We have kind of got a thought maybe we would come up and do a cul-de-sac here (indicating). The Town likes cul-de-sacs? I don't know if you do. But put some here (indicating). This is a real high knob through here (indicating). We think we could have exclusive houses and maybe have a little different market price in the whole development.

MR. SMITH: What Gary (Pooler) is hitting on here was generated from some questions that we had received through from perspective buyers that had stopped out at our model that we have over on Archer Road there. So that is where that stemmed from. They inquired about an exclusive community within the site. So we discussed some options with cul-de-sacs, things of that nature to kind of isolate certain areas of the community to satisfy that need.

MR. POOLER: We're talking about 85, 95 --85 to 95 feet wide lots on the cul-de-sac. Maybe up here (indicating) and maybe make these bigger lots back here that will bring our density down.

JAMES MARTIN: Anything else?

MR. POOLER: The only thing I wanted to clarify -- we met with the Homeowners' Association -- or the people in there. They're all for eliminating it, but it was part of our approval that the Town Board said we had to have it. So we cannot eliminate it with the State without a resolution from the Town Board saying we can resolve it. Otherwise it would have been done months ago.

KAREN COX: Eliminating the HOA you're talking about?

MR. POOLER: Yes.

JAMES MARTIN: Part of the property over there is still in an agricultural use.

MR. POOLER: Yes.

JAMES MARTIN: Plans to continue that for a period of time?

MR. POOLER: Yes. Just trying to keep the taxes down and generate a little tax money.

JAMES MARTIN: So you do have an Ag Conservation exemption at this point --

MR. POOLER: Yes.

JAMES MARTIN: -- on part of the property?

MR. POOLER: Yes.

JAMES MARTIN: I asked earlier and didn't get an answer to the question, and Kathy (Reed) didn't call me back this afternoon, but is that an annual renewal on that Ag Conservation exemption?

MR. POOLER: Yes, it is.

JAMES MARTIN: Thank you.

KAREN COX: How do the -- I mean, I can understand that the -- that the people living over there now would like to see the HOA eliminated because I'm sure it is expensive for them. How are -- what is their feeling about all of these -- or this new plan? Have you had any feed -- opinion from them?

MR. SMITH: We have had a meeting with them. They're all for it. They're currently living in a stalled community. Their houses have, if anything, depreciated in value. They are -- my understanding is, and the feeling we have got, they're all for the redesigned concept. Like I said, we met with every resident in there. There was one or two that weren't able to attend the meeting. Pretty much the consensus is that they're ready for the community to move forward. And from our standpoint, being a home builder and developer, this is kind of our best foot

forward. And try to help Gary (Pooler) here with, you know, marketing, and get rid of some of these lots and get some houses built.

KAREN COX: You will put in houses that are similar in, I guess, value to what is there now? I mean, you know -- they will not be stuck with a mansion in the midst of little shoe boxes?

MR. SMITH: The lots don't permit it. You're limited based on the size of the lot in there. You won't get some giant monster.

KAREN COX: I'm talking the ones there now.

MR. POOLER: That's one reason we're talking about doing the cul-de-sacs up there, trying to make it -- a better look for the community and just trying to make the whole thing come together the best we can.

Because to be honest with you, we probably are affordable housing. Jeremy (Smith) or Billy (West) can address the pricing they're selling at over there. We're probably --

MR. SMITH: Right now we have got -- the spec house that we put up is listed at 189,9. That is pretty much our average price point, there and up. So we do start, you know, on the lower end. Bill (West) can answer more than that.

MR. ARIENO: I'm Bill Arieno, Director of Sales for Faber Homes. The neighborhood, the concept that we're mirroring is not that different than the success we had at Park Place in Chili.

Um, we're doing that in Regency Park in our Greece community. The density in Regency Park is similar to Vista Villas. These sites that are approved already and the proposed sites are actually a little wider than what he have at Regency Park. We start in the 150s price range. The average exceeds 200,000 and has for the last few years. The economy and the recovery is continuing, although slow, so we're starting to see those numbers creep up a little bit.

Also every supplier is starting to raise price because nationally things are shaking out, so we are having to raise price. But we anticipate the average price being in the \$200,000 and then going up as we go up the hill. I'm not sure how familiar you are with that community, but the rise there is beautiful, and then in the back, unfortunately Gary (Pooler) can't develop that, but it's a beautiful area back there with a lot of nature. I think that will only increase as we move forward.

We actually right on Archer Road are doing the Y house, trying to bring some activity to the neighborhood, draw some attention. They have been advertising it as Churchville, unfortunately, when they did the ads, but obviously, it is the Town of Chili but unfortunately a Churchville mailing address. We're trying to draw some attention that way to get things started. We have sold a few already in that section that is already existing.

JAMES MARTIN: Obviously you will be back before us.

MR. POOLER: We're just kind of looking for any concept, because I kind of want to further the design, the lot widths or depths or square footage or something. We will have to take that into consideration.

JAMES MARTIN: We won't be able to do a detailed analysis tonight, Gary (Pooler), but certainly having something begin to happen over there is better than having nothing happen over there.

So anything else from the Board?

Okay. Well, we'll look forward to your more formal presentation.

DECISION: The Board thanked the applicant for appearing before the Planning Board to review the proposed revisions to the former Links at Black Creek. The Board looks forward to working with the applicant as the process moves into a formal stage.

The 3/12/13 Planning Board minutes were approved.

The meeting was adjourned at 9:49 p.m.