

CHILI PLANNING BOARD
June 14, 2016

A meeting of the Chili Planning Board was held on June 14, 2016 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson John Hellaby.

PRESENT: Paul Bloser, David Cross, Matt Emens, John Nowicki, Ron Richmond and Vice Chairperson John Hellaby. Chairperson Michael Nyhan was excused.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger; Larry Lazenby, Conservation Board Representative.

Vice Chairperson John Hellaby 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.

JOHN HELLABY: We'll be taking the two Old Business agenda items first. I will also at this time inform you that Application Number 2 of Fastrac Markets has been withdrawn by the applicant.

OLD BUSINESS:

1. Application of Choice One Development LLC, 126 Ramona Street, Rochester, New York 14613, property owner: Press Equities LLC for preliminary site plan approval to erect a 10,212 sq. ft. one-story medical office building at property located at 1204B Scottsville Road in G.B. zone.

Robert Steehler, David Baker and Drazen Gasic were present to represent the application.

JOHN HELLABY: I will state this has been reviewed by the Fire Marshal and he has no comments at this time.

JOHN NOWICKI: Mr. Chairman, I have to recuse myself.

JOHN HELLABY: You are recused.

Just as a precursor, this -- as you all recall, this application was in last month. It was tabled because the State of New York had requested a traffic study, and we're not in receipt of that, but I will turn it over to you.

MR. STEEHLER: Hello. Bob Steehler from Labella Associates here with my client, David Baker, of Choice One Development, and our engineer on the project, Drazen Gasic.

To recap the project, this is a new dialysis center for Fresenius Medical Care, 10,200 square feet with an address at 1204B Scottsville Road.

As Al (Hellaby) mentioned, we were here May 10th. We received final subdivision approval, SEQR approval and the approval of a Special Use Permit. We were requesting final site plan approval at that meeting, but it was tabled due to a comment from the DOT that we needed a traffic study.

So since that time, I've coordinated with the DOT and they -- based on the May 19th letter from them -- I will read that letter to you. "Based on the information you provided, we can waive the requirement for a traffic impact analysis. The incremental impact of this development is negligible and there are no indications that the existing driveway warrants any mitigation measures at this time."

So with that, I will take any questions from the Board.

RON RICHMOND: You were looking to start this project right away, correct?

MR. STEEHLER: Yes. Right. Go out to bid basically in the next couple of weeks and go from there.

DAVID CROSS: Bob (Steehler), what did you end up doing with the drive entrance closest to Scottsville Road?

MR. STEEHLER: We made that a one-way entrance. The rest of the site will be two-way, but that entrance we felt we did not want cars exiting trying to make a left on Towers Drive as other cars were waiting.

DAVID CROSS: That's all I have.

ERIC STOWE: Just did we close the Public Hearing?

JOHN HELLABY: The last meeting, I'm almost positive.

ERIC STOWE: Okay.

JOHN HELLABY: Are we waiving final on this? Did I hear somebody request that? Did they pay? Because this is for preliminary, correct?

MR. STEEHLER: We did submit a payment with our submission.

JOHN HELLABY: For final?

MR. STEEHLER: For final.

MATT EMENS: I believe they did ask for it to be waived.

ERIC STOWE: Yes.

JOHN HELLABY: All right.

ERIC STOWE: I believe we already did SEQR as part of the subdivision and special use.

JOHN HELLABY: Okay. Thank you. I'm a little rusty up here, so bear with me.

With the following conditions. Upon completion of the project, the applicant shall submit a landscape Certificate of Compliance to the Building Department from a landscape architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.

Approval is subject to final approval by the Town Engineer and the Commissioner of Public Works.

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

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and filing information such as Liber and page number shall be noted on the mylar.

And lastly, the applicant is subject to all required permits inspections and code compliance regulations.

DECISION: Approved by a vote of 5 yes with 1 abstention (John Nowicki) with the following conditions:

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
4. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
5. Application is subject to all required permits, inspections, and code compliance regulations.

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

2. Application of Genesee Valley Regional Market, owner; 900 Jefferson Road, Rochester, New York 14623 for revised final site plan approval to erect 5 industrial buildings totaling 80,500 sq. Ft. At property located at 1861 Scottsville Road in L.I. & FPO zone.

JOHN HELLABY: This has been reviewed by the Fire Marshal and he has no comments at this time.

Bob Hutteman was present to represent the application.

MR. HUTTEMAN: Good evening. Bob Hutteman from Lu Engineers representing the Regional Market. Earlier this year -- I believe it was February or March, we were in front of the Board and got preliminary and final site plan approval for Phase 2 development at the Regional Market site on Scottsville Road. Since then, we were going for the permit process and the DEC had a different interpretation. They classified this as a Type I action versus Type II which required the long EAF form.

So that's what we're here tonight to go through, the EAF form, and ask for a no significant impact. The site -- the project hasn't changed since it was approved earlier this year.

JOHN HELLABY: Everyone should have received Part I of the long form, full environmental assessment.

Does anybody have any questions or concerns on any of the parts of it? Hearing none. To my knowledge, we only received one report back from the Monroe County Water Authority, I believe, and that was just in regards to some backflow preventers which I believe are already there, correct, at Scottsville Road?

MR. HUTTEMAN: Correct.

JOHN HELLABY: Public Hearing has been held already.

Do I need to make a motion to declare ourselves lead agency?

ERIC STOWE: I believe that already took place. We declared lead agency and allowed the 30 days to respond. Now you can declare lead agency again and having heard nothing from

any other interested agencies.

JOHN HELLABY: Okay. I declare the Planning Board lead agency and we have heard virtually nothing from any other interested agencies that were solicited. I make a motion to mark Part II sections all "no" and issue a negative declaration and sign Part III of the same.

DAVID CROSS: Second.

The Board was unanimously in favor of the motion.

JOHN HELLABY: I will carry over the same conditions that were on the letter of approval for February 12th.

Do you need me to read them?

ERIC STOWE: You're just reaffirming the prior vote.

JOHN HELLABY: Okay.

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

1. Upon completion of the project, the applicant shall submit a Landscaping Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.

PUBLIC HEARINGS:

1. Application of The Town of Chili, 3333 Chili Avenue, Rochester, New York 14624, property owners: Pearce Memorial Church, Stagnitta Properties, Judith Dykeman and Charles White; for recommendation to rezone four properties from R-1-15 (Residential) to G.B. (General Business) at properties located at 4330, 4332, 4334, and 4336 Buffalo Road.

David Dunning was present to represent the application.

SUPERVISOR DUNNING: Good evening. My name is David Dunning. I'm the Supervisor for the Town of Chili and here representing the Town of Chili in this rezoning application.

Mr. Chairman, thank you. Board members, thank you for hearing this. The Town is interested in seeing the properties located at the 4330, 4332, 4334, and 4336 listed numbers here rezoned from R-1-15 to General Business.

Just for some -- some information, we have notified and talked to most of the property owners on this -- in this section. We have received approval and support from three of the four. The fourth party has not responded to numerous phone calls as well as certified mail that has been sent to their address.

We do have support from the remaining properties over there. While our 2030 Comprehensive Plan doesn't specifically mention these specific addresses, it does call for this section of Buffalo Road to be considered for rezoning to General Business at some point in time. We think this is that time.

Looking at the properties that you have before you -- and I know you do, as well as the Town Board will have to consider this if it gets to that point -- that the most intense use of these particular properties needs to be considered. When you look at the lot sizes, the small lot sizes that are there, even combined, when you think about setbacks and buffers and anything else that might be able to happen there, um, it is very minimal and likely the type of businesses are more boutique or small-type businesses the Town would like to see put in that area.

As it is right now, the former Chili Doll Hospital was located on that property, and there is an opportunity for that particular site to be repurposed into a business the Town of Chili would support as far as the -- the nature of the business and what that business would bring to that particular location.

That is our application. We're seeking the Planning Board's approval, if you will, of this particular rezone and hope that you will support that. Questions?

MATT EMENS: You said, Supervisor Dunning -- sorry. You said there were three of the four responded?

SUPERVISOR DUNNING: Correct.

MATT EMENS: We don't have those letters, but I believe you have those on record obviously.

SUPERVISOR DUNNING: We do. I have them right here.

MATT EMENS: So the fourth one did not respond.

SUPERVISOR DUNNING: Correct.

MATT EMENS: And all three of the other ones spoke in favor?

SUPERVISOR DUNNING: That is correct. We have written documentation of that.

MATT EMENS: Okay. Thank you.

JOHN HELLABY: The property that is next to the cemetery over there, it -- it appeared to be in disrepair and if I'm not so mistaken, it had holes in the roof. Did it not?

SUPERVISOR DUNNING: I can't speak to the specific condition of that property. That is the property we did not hear anything back from. Again, we did send certified. We have knocked -- physically knocked on the door and made several phone calls to -- to who is registered as the property owner there, Mr. White.

JOHN NOWICKI: No. I just had concerns over that property, too. Is it considered a zombie property?

SUPERVISOR DUNNING: I don't know that we could put that type of a label on it.

DAVID CROSS: There is a cemetery next to it.

SUPERVISOR DUNNING: There is a legal owner. Taxes are being paid. There are no foreclosure proceedings I'm aware of on that particular site.

ERIC STOWE: Just only a reminder we're not approving a rezoning. It's just a recommendation and a Public Hearing pursuant to the code on whether the Board recommends or does not recommend rezoning these parcels.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ERIC STOWE: That is a recommendation to rezone, not to rezone.

DECISION: Unanimously approved by a vote of 6 yes the above described application with no conditions.

The Town Board will be notified of the Planning Board's decision by copy of a decision letter. Applicant must now petition the Town Board, through the Town Clerk's Office, to set a Public Hearing before the Town Board on this rezoning application.

2. Application of Fastrac Markets, 6500 New Venture Gear Drive, East Syracuse, New York 13057, property owner: Sumket Development; for revised final site plan approval to erect a 5,370 sq. ft. grocery store with fueling facility at property located at 1064 Scottsville Road in G.B. zone.

Withdrawn by the applicant.

3. Application of 100 Beaver Road LLC, owner; c/o Aaron Malbone, 259 Alexander Street, Rochester, New York 14607, for resubdivision approval of one lot into two lots in the Buckingham Subdivision to be known as QCI Subdivision at property located at 1 QCI Drive (aka: 100 Beaver Road) in L.I. zone.

Matt Tomlinson and Aaron Malbone were present to represent the application.

JOHN HELLABY: I will State that the Fire Marshal has looked at this and has no comments at this time.

MR. TOMLINSON: Good evening. My name is Matt Tomlinson from Marathon Engineering. With me is Aaron Malbone from Buckingham Properties representing the LLC who owns the property.

This property has a total of 115 plus or minus acres, 116 acres. As you mentioned, it is in the LI zoning district. We're proposing to subdivide 21 acres surrounding the existing building,

parking and storm water management for the purpose of sale of that property in the future and the remaining lands will remain vacant until the owner develops or pursues sale of that, as well.

We did receive a comment letter from Lu Engineers. We have no issues with those comments and would request final approval on the subdivision pending DPW and Town Engineer signoff, which I believe was a recommendation in that letter.

Um, with that, I will open it up to any questions that the Board may have.

RON RICHMOND: What would the use of the two lots be?

MR. TOMLINSON: The use of the lot with the building would remain manufacturing for the building and associated parking. The remainder is just vacant land and potentially would be developed in conformance with the code in the future.

RON RICHMOND: Are there plans in place at all?

MR. MALBONE: Not for the vacant land.

MATT EMENS: The only concern I had, Mr. Hanscom addressed in the parking lot -- you know, additional parking spaces, the building size, so I don't have any other questions or comments.

JOHN HELLABY: You did state that you thought there was enough room if they were required in the future, correct?

JOHN NOWICKI: Any particular ideas of what might be happening on this property down the road?

MR. TOMLINSON: I'll have to let Aaron (Malbone) speak to that one.

MR. MALBONE: I'm Aaron Malbone from Buckingham Properties.

Are you speaking to the vacant land?

JOHN NOWICKI: This one here with Case Hoyt. Anything over there?

MR. MALBONE: We don't have any plans immediately in the future to do anything. We'll develop it as something comes along. More opportunity type of site. We don't have any plans right now.

JOHN NOWICKI: Only reason I bring up that point is my concern is the Chili Beaver Road Ballantyne Road Corridor, especially the heavy truck traffic that is on that road now tearing up the road terribly. So I will -- I want to be careful what goes in there.

MR. MALBONE: We'll certainly take that into account.

JOHN NOWICKI: All right. Thank you.

DAVID CROSS: Do you need any variances to make this happen?

MR. MALBONE: Not that I'm aware of.

MR. TOMLINSON: No. We created the lot specifically to avoid any variances to provide for future expansion of parking.

PAUL WANZENRIED: The Assessor would like this on record that the subdivision will not be reflected on the 2016 assessment roll as it will occur after 3/1/2016. That's the taxable status date. Subdivision of the property after 3/1/2016 will be processed for the 2017 assessment roll and prelim address may be done upon filing on subdivision maps at Monroe County. Monroe County RPS will map and create tax account numbers of which are then available to the Assessor for final assignment of addresses.

As to the Building Department, it has occurred to us that you gentlemen have no valid sign permits. Please see us ASAP. Thank you.

MR. MALBONE: Absolutely.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: We do have comments from the County Planning and Development group and they touched on some wetland things that aren't really pertinent right now with some boilerplate stuff so there is nothing -- it will more come into play if development takes place later on.

Conditions, approval is subject to final approval by the Town Engineer and Commissioner of Public Works.

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

All previous conditions imposed by this Board are still pertinent to this application and remain in effect.

Copies of all easements associated with this project shall be provided to the assess -- Assistant Town Counsel for approval and all filing information including Liber and page number shall be noted on the mylars.

Anything else? Nothing?

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

DECISION: Unanimously approved, by a vote of six, the above described application with the following conditions:

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
 2. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
 3. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
 4. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
4. Application of Anthony D'Agostino, 101 Sullys Trail, Bldg. 30, Pittsford, New York 14534; property owner: DLG Properties LLC; for renewal of special use permit to allow a daycare center on first floor of building at property located at 4479 Buffalo Road in R-1-15 with RPO zone.

Anthony D'Agostino was present to represent the application.

JOHN HELLABY: This was reviewed by the Fire Marshal and he has a statement on here apparently there was an operating permit issued on 3/30/2016 but still has not been paid for and apparently picked up possibly. So you might want to look into that.

MR. D'AGOSTINO: I believe that was paid, but we'll check into it.

JOHN HELLABY: Check into it with him.

MR. D'AGOSTINO: Thank you, gentlemen. My name is Anthony D'Agostino. I'm the owner and operator are of Inspire Learning and Childcare which is a d/b/a of D'Agostino Learning Group. Our use permit is about 479 Buffalo Road and a child care facility.

We are up for renewal and this property, as most of you may be aware, has been a child care property for many years and I do own the building and I do operate the child care facility.

There is also on the second floor of that building, there is tenancy with two one-bedroom apartments up there. We are seeking a -- not only a renewal of the special permit, but for a perpetual permit for that property. We have come -- my predecessors of owning this approximately four years ago came also for renewal and that's happened several times. So we're hopefully seeking a perpetual Special Use Permit.

Just for a little information, the childcare facility has supported through the years and continues to date to support almost sometimes up to 40 families within our community. It employes six to eight staff members throughout the year within this community who also live throughout the community.

There was a comment letter that was sent to me that I received yesterday regarding a pavilion that is on the property. And the pavilion is not in great structural soundness.

And, in turn, we have not allowed the children to be outside of the galvanized fencing that we have on the property. It is our intention to have that pavilion taken down by the end of the summer before any kind of snow falls or the like and to have all of the debris removed off the property. Our intention is to hopefully have that completed by September because we do have several other items that -- that are of our focus this summer.

RON RICHMOND: What will happen to the site once you pull the pavilion down?

MR. D'AGOSTINO: Nothing. We clear the debris.

RON RICHMOND: You don't plan on erecting a new pavilion of any type?

MR. D'AGOSTINO: No, I don't.

MATT EMENS: Sorry. The -- the first thing you just addressed with the pavilion. The second thing is, just in general a question is, anything in your operation changed since last time you with here for the approval of this Special Use Permit?

MR. D'AGOSTINO: Other than I'm the new owner. There was a previous owner who was here for a Special Use Permit. The property has not changed. It is managed by the Office of Child and Family Services, our facility and licenses. The size of the license has not changed, nor the structure of that facility for what it supports, children from the age of 6 weeks up to 12 years of age. So the business is completely intact as it has been for probably the past 15 plus years.

JOHN NOWICKI: Can we make these two situations conditions?

JOHN HELLABY: Removal.

JOHN NOWICKI: Removal and also getting paid for that permit.

JOHN HELLABY: Yep.

JOHN NOWICKI: Thank you.

DAVID CROSS: Has there been any complaints against the property?

PAUL WANZENRIED: Not to our knowledge.

DAVID CROSS: Okay. As far as perpetual, um, Special Use Permits, I'm not in favor. I'd consider, you know, something more than five years, maybe seven to ten years is more appropriate.

PAUL BLOSER: I agree with what Mr. Cross said. I would like to see no more than ten

years at this point. They do have a good track record and provide a great service to the Town, but I'm in favor of capping at ten.

JOHN HELLABY: I'm thinking along the same lines myself, so.

PAUL WANZENRIED: Any reason why that pavilion can't come down sooner than September?

MR. D'AGOSTINO: We just need to find the resources to do it. We're a relatively small operation, and we do have a number of different things. It was just honestly brought up -- was out of Town last week and I found out about it this week. We don't see it as a hazard because we don't have any children or anybody who should be on that property out there, because we do have it within the galvanized fenced area. So I think the only reason is we will try to do our very best to get it done, but I wouldn't want to make a promise I can commit to. So I would commit to September for sure, but we would obviously try to get it down as soon as possible.

PAUL WANZENRIED: Any issues with fencing it, with some snow fence or something like that just as an extra precaution?

MR. D'AGOSTINO: No. I have no issues with that. That's not a problem.

PAUL WANZENRIED: Great. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: As far as discussion, I'm hearing that the picnic pavilion, the condition is the picnic pavilion must be removed by October 1st, 2016.

JOHN NOWICKI: September.

JOHN HELLABY: September 1st.

JOHN NOWICKI: Or sooner.

MR. D'AGOSTINO: Yep.

JOHN HELLABY: Existing picnic pavilion to be removed by September 1st, 2016, or sooner.

JOHN NOWICKI: Enclosed with a snow fence.

JOHN HELLABY: Enclosed until removed.

MR. D'AGOSTINO: May I just ask a question? Is it possible to use a mud fence or the like to surround it?

PAUL WANZENREID: Like a silt fence?

MR. D'AGOSTINO: Yes, something with sides around it so it looks like someone is not supposed to be in it. The reason is because I have one of those.

JOHN HELLABY: As long as you secure it enough so no one goes in it.

PAUL WANZENRIED: I'm just looking for a layer of deterrence.

MR. D'AGOSTINO: Thank you.

PAUL WANZENRIED: Thank you.

JOHN HELLABY: Resolve issue with the Fire Marshal's permit.

Item 3, all previous conditions imposed by this Board still pertinent to the application remain in effect and there are several.

ERIC STOWE: Mr. Chairman, just with respect to this -- the fence, can we say it's enclosed to limit access?

JOHN HELLABY: Yep.

Only other outstanding issue is the timeframe. I'm hearing no one wants perpetual. I support that wholeheartedly. What are we looking at? Eight, ten? Give me direction.

MATT EMENS: Clarification from the side table. If the property changes ownership, the Special Use Permit does not go with it.

ERIC STOWE: It would go with the property and the use.

MATT EMENS: It does?

ERIC STOWE: Yes.

JOHN HELLABY: Eight years?

MATT EMENS: Ten years is a long time.

JOHN HELLABY: Well, I'm not even comfortable with eight, to be honest with you.

JOHN NOWICKI: Why can't we stay with five?

RON RICHMOND: I'm comfortable with leaving it as is.

JOHN HELLABY: Five?

JOHN NOWICKI: Yeah.

JOHN HELLABY: Five years.

That gives us a handle on things.

John Hellaby 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 Matt Emens seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously approved by a vote of 6 yes the above described application with the

following conditions:

1. Existing picnic pavilion to be removed from the property no later than September 1, 2016.
 2. Enclose picnic pavilion with fencing or other material to limit access until it is removed from the site.
 3. Operating permit issued by the Fire Marshal must be picked up and paid for.
 4. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
 5. Special Use Permit is granted for a period of five (5) years.
5. Application of Four Point Rod & Gun Club Inc., owner; c/o Guy Slack, 3889 Roosevelt Highway, Hamlin, New York 14464 for renewal of special use permit to allow hunter safety training, skeet, trap, firearms and archery shooting at property located at 4400 Union Street in A.C. zone.

JOHN HELLABY: Fire Marshal has reviewed this application and has no comment at this time.

Guy Slack was present to represent the application.

MR. SLACK: Good evening, gentleman. My name is Guy Slack. I'm a Board member for Four Point Road and Gun Club. We're here to renew our Special Use Permit and we would also like to extend our shooting time until 9:30 at night. Presently it's -- our limit is 8:30 in the evening.

Any questions?

JOHN HELLABY: Question I have for Paul (Wanzenried), any complaints or issues over there as far as noise or anything?

PAUL WANZENRIED: Not that we have on record. No.

JOHN HELLABY: That Thruway job has you guys pretty messed up over there.

MR. SLACK: Makes it a slightly bit more difficult to get there, but nothing we can't overcome.

JOHN HELLABY: How often is that facility actually utilized during the course of say an average week?

MR. SLACK: Seven days a week from 10 o'clock to sunset every day.

JOHN HELLABY: Really?

MR. SLACK: Yes. We presently have almost 700 members and each member has ability to get to the club to utilize the club. We keep the gate locked when no one is there, but everyone has a key. Throughout the day there may be six to eight people there at any time, but they come down, couple hours, do their thing. Leave. Another group comes in.

JOHN HELLABY: Who regulates these people as far as what they're doing down there?

MR. SLACK: Self-regulated. We have video. We have video on the property. We haven't really had any problems. Shooting is controlled through coin-operated machines to get their birds. People clean up after themselves.

JOHN HELLABY: All right.

MR. SLACK: We -- we haven't had any complaints and people have to be certified to utilize the rifle pistol range. It's an outdoor facility and we take every precaution we can to make sure everybody does what they're supposed to do and knock on wood --

JOHN HELLABY: Nothing has happened.

MR. SLACK: -- nothing has happened. We don't expect anything to happen. We try not to let it happen.

RON RICHMOND: I understand the request for extending the shoot time to 9:30 is skeet and trap shooting. What is the motivation?

MR. SLACK: Presently we have one lighted field, trap field mostly used during the winter time. We would just like the ability to get some more time for our members.

RON RICHMOND: Out of 700 members has there been a large request for it?

MR. SLACK: There has not been a large request, no. But we would like to put another set of lights up on a skeet field to open that up. It -- it was a request from the members of the Board to see if we could get some more business down there.

MATT EMENS: Guy (Slack), on the previous letter, approval letter from the Board on the Special Use Permit, one of the conditions is about the backstops. I understand a little bit about construction of those, and -- the previous project. But just wondering, what kind of an outfit do you guys do on backstops?

MR. SLACK: Time to time we have had to add more material to the top of the berm. It gets a lot of shooting and there has been erosion from the shooting. Presently the pistol berm has been topped off. The -- the rifle berm, we have actually three rifle berms at 50, 100 and 200 yards and they don't get hit as much as you would think. Or excuse me, they don't

deteriorate as much as you would think. We have a blue sky block, a wall, with windows in it that they have to shoot through the windows at the berms, and that keeps the top of the berm good.

I mean, a request was made from Lu Engineers to have the Town Engineer come out and take a look at the berms as a condition of the use permit. He did that five years ago. And it's in pretty good shape. Most is clay so it holds up really well. All of it has got growth on it. And it maintains pretty good. I mean, we haven't really had a whole lot of maintenance required on it.

MATT EMENS: There is nothing to regulate. Let me back up. Do you have competition, sir?

MR. SLACK: No.

MATT EMENS: There is nothing that regulates it and you don't have to do anything to the berms other than original construction?

MR. SLACK: That's correct.

MATT EMENS: I actually live nearby and when the wind is right, I can hear it. I have no issue with that right now.

And going to 9:30, you know, it's a touchy subject. I think it's something we can consider, but it's getting late.

MR. SLACK: Well, the Town's noise ordinance starts at 10 p.m.

MATT EMENS: Right.

MR. SLACK: And we didn't ask to 10. We asked to 9:30. And honestly, the use will be minimal. I don't expect it to be even once a week, to be honest with you. It is just to have the ability to do it if it's something that a member chooses to do.

MATT EMENS: Okay. I don't have anything else at this time.

JOHN NOWICKI: How long you been there?

MR. SLACK: Over 30 years, there, John (Nowicki). Same as you. You have been at every Public Hearing we have had on this matter.

JOHN NOWICKI: I had one of my sons there.

DAVID CROSS: I don't live too far away. You guys have been good neighbors. I would caution against any -- anything past 8:30. I wouldn't be up for that. But would be -- I would consider another five years here. So that's all.

PAUL BLOSER: No comments.

LARRY LAZENBY: Only comment I would make would be more of a question. When you moved out there, the Conservation Board expressed concern about the direction of fire of lead shot and where it was falling.

Do you have a -- is there a recovery plan in place for lead shot?

MR. SLACK: Presently there is not.

LARRY LAZENBY: Once it falls to the ground it's there -- it is just there.

MR. SLACK: It's there, yep.

LARRY LAZENBY: Okay. Is it -- has it ever been consideration for a recovery plan for the amount of shooting that you do?

MR. SLACK: Well, there -- there is issues with recovery, um, due to the nature of the property out there. The rifle, pistol range would not be an issue because it's all contained within the berms, but there would be an issue with trying to recover out in a -- the area towards the Thruway.

JOHN HELLABY: But you're presently operating under the State and federal regulations. I mean, there is nothing to say you can't be doing it.

MR. SLACK: As far as I know, that's correct. We have had DEC and Corps of Engineers out there on previous conditions and never had been issue. Never been questioned.

JOHN HELLABY: I know it's a touchy subject.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JOHN HELLABY: So I'm not getting a warm and fuzzy feeling about the 9:30. I'm not real keen on it myself just because of the loss of light and that's when things start happening. Unfortunately, I know you have lights out there. I don't know how adequate they are. I have never seen them in operation.

Plus I mean if you had no complaints up 'til now, I mean -- and I do hear the shooting from my own house, you know, when you're over there. I hate to rattle up the new neighbors you have over there, not a lot, but there are several in the neighborhood.

MR. SLACK: As far as --

JOHN HELLABY: General consensus? I mean no disrespect.

RON RICHMOND: Is this a separate vote?

JOHN HELLABY: No. I'm just taking a straw poll. Just -- would 9 o'clock be reasonable?

DAVID CROSS: No.

PAUL BLOSER: 8:30 now?

JOHN NOWICKI: I would go with 9.

DAVID CROSS: Keep same as previously --

RON RICHMOND: I would not extend.

MATT EMENS: Let's just leave it where it is.

JOHN HELLABY: All right. I'm getting the gist it will remain the same.

So with that we'll state all previous conditions imposed by this Board that are still pertinent to the application remain in effect.

MATT EMENS: Does that include Number 3 on this letter from 2011, that inspection by the Town Engineer?

JOHN HELLABY: Well, that's what I was just going to say. It has been five years. I know that the Town Engineer was out there inspecting it. I think it would probably be pertinent to at least stop by and take a look and make sure everything is functioning and in correct repair. We'll leave that one in there, as well.

Hours of operation shall be from 9 a.m. to 8:30 p.m. with the use of aerial lighting for archery, firearm, hunting safety training, skeet and trap shooting.

Early starting time for events shall not exceed more than eight a year and that's starting time will not be any greater than 8 a.m.

And special event dates shall be submitted to the Town of Chili Building Department no later than 30 days prior to that scheduled event.

Um, conditional use is granted for five-year period.

Am I missing anything? I don't believe so.

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

John Hellaby made a motion to approve the application with the following conditions, and David Cross seconded the motion.

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

1. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
 2. The approval is subject to the applicant passing an inspection of the site, by the Town Engineer, that insures all back stops are still in compliance with the approved site plan.
 3. Hours of operation shall be 9:00 a.m. to 8:30 p.m. with the use of area lighting for archery, firearm, hunter safety training, skeet, and trap shooting.
 4. Early starting times for special events shall not exceed eight (8) per year or start before 8:00 a.m.
 5. All special event dates shall be submitted to the Town of Chili Building Department no later than 30 days prior to the scheduled event.
 6. Special use permit is granted for a period of five (5) years.
6. Application of Ropaco Realty, owner; c/o James Robfogel, P.O. Box 609, Oxford, MD 21654 for preliminary subdivision approval of one lot to be known as 30 Airline Drive Subdivision at property located at 30 Airline Drive in L.I. zone.

Nick Montanaro was present to represent the application.

JOHN HELLABY: Fire Marshal has looked at this application and has no comment at this time.

MR. MONTANARO: Good evening. My name is Nick Montanaro and I'm here representing Ropaco Realty and Jim Robfogel.

This -- this property originally consisted of two parcels that were combined in -- into one without the use of a subdivision, without filing an actual subdivision map and we're just trying to rectify this at this time to make it legal and comply with the Town's subdivision law.

JOHN HELLABY: Do you have a copy of the drawing you could put up?

MR. MONTANARO: Yes.

JOHN HELLABY: While you're right there, if you could just sort of trace where you are looking at here because it's a little bit confusing. Are you taking that right-of-way and bringing it back into that piece of property?

MR. MONTANARO: That -- that -- that right-of-way has long been gone. There is no right-of-way there now. But in -- in 1975, Mr. Robfogel conveyed to Ropaco Realty the big parcel which went around the -- the cul-de-sac.

And -- in -- in 1990, the -- what you see in blue here was conveyed to Robfogel -- or Ropaco Realty.

And they got combined through deed, I'm assuming. I -- because no subdivision was ever filed on this. I know the Town has been after Mr. Robfogel to take care of this situation. This is why we're here tonight, to officially file the subdivision map. And so, you know, it would be the -- the red line would be what it would ultimately look like. Which it actually looks like that now. It is just hasn't been done officially.

JOHN HELLABY: Is this the piece of property that is actually east of where Hanes Building Supply --

MR. MONTANARO: The last parcel on Airline Drive.

JOHN HELLABY: Going out Airline Drive it's on the right-hand side?

MR. MONTANARO: That's correct. Yes.

JOHN HELLABY: How -- how are trucks supposed to turn around there if you do away with that turnaround?

MR. MONTANARO: I don't know. I think there is -- I think there is a -- a -- a T turnaround in there. I don't -- I -- frankly I don't know how they're doing it. We're only here to combine the two parcels and make it official.

JOHN HELLABY: I mean, is that something the Building Department has looked at? I mean, are they happy with that situation? Because now you have don't have an area to turn around there. There are several truck businesses down in there.

ERIC STOWE: But ownership doesn't make a difference with respect to lot lines. If they own it, they own it and can preclude access.

JOHN HELLABY: So it was never actually a turnaround right away to begin with?

ERIC STOWE: That I can't say. But a lot line doesn't preclude them doing with their property what they're permitted to do.

JOHN HELLABY: All right. With that, I guess I will go to the Board for questions.

RON RICHMOND: To summarize, basically the two lots, the two parcels have already been combined?

MR. MONTANARO: Yes.

RON RICHMOND: Just not been officially entitled as one and all we're doing is going through the administrative exercise of making that happen?

MR. MONTANARO: That's correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MR. MONTANARO: May I ask a question? Would it be possible to get preliminary and final tonight?

JOHN HELLABY: I was just going to ask that question. Do you have a problem with that? I -- just pretty cut and dry. Have they paid for final, do you know?

PAUL WANZENRIED: I don't know. I don't have it marked on the application. Usually we have it marked.

MR. MONTANARO: I believe the fee we covered was 650. I don't know if that covers final.

PAUL WANZENRIED: I want to say yes, but...

MR. MONTANARO: In any case --

JOHN HELLABY: So we can waive final and if there is an issue you can work it out with them?

PAUL WANZENRIED: I'm all right with that, Al (Hellaby).

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

JOHN HELLABY: As far as conditions, approval is subject to final approval by the Town Engineer and the Commissioner of Public Works.

All previous conditions imposed by this Board still pertinent to the application remain in effect.

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel and all filing information Liber and pages shall be noted on the mylar.

JOHN NOWICKI: Waive final?

JOHN HELLABY: Waive final. That's right.

John Hellaby made a motion to approve the application with the following conditions, and John Nowicki seconded the motion.

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

1. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
2. All previous conditions imposed by this Board that are still pertinent to the application remain in effect.
3. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.

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

7. Application of DSB Engineers, 2394 Ridgeway Avenue, Rochester, New York 14626, property owner: Forest Creek Equity Corp., for final subdivision approval of 45 lots to be known as Rose Hill Subdivision Section 1 at property located at 75 & 89 Beaver Road in R-1-20, FPO, FW zone.

Walt Baker, Bernie Iacovangelo, John West and Stephen Ferranti were present to represent the application.

JOHN HELLABY: These plans have been approved by the Fire Marshal. He has a note on here that says the hydrant locations look good.

MR. BAKER: Good. I'm Walt Baker with DSB Engineers and Architects. We met tonight with Mr. Bernie Iacovangelo and John West of Forest Creek Equity Corporation.

As Chairman stated, we're here tonight for Rose Hill Estates Subdivision which is located on Beaver Road, 161 lots in total and we're here tonight for final approval for the first phase which would be 45 lots. We did receive preliminary overall approval as the Board will recall last April and I did receive comments so if you would like, I could hand these responses out which the Town Engineer asked me to do.

So if the Board will recall, like I mentioned at preliminary approval, we did receive the overall for 161 lots and this was for a 278 plan. The current zoning or the prior zoning, if you will, was R-1-20 with the overlay. The map for the overlay for the flood plain and the wetland area. The map I posted on the easel shows the overall site, which was included in the set of plans that we submitted for final, so it illustrates -- the darker lines illustrates the breakdown of the future faces.

Like I mentioned, we have 45 lots in the first phase which comes off of Beaver Road, directly across from Beaver Road Extension and we'll terminate it at the intersection here. So we'll have that first 45 lots. We do have a construction phase line, so what we're going to do is do the first 27 lots for construction phase and then complete the other part of the construction phase for the underground utilities. But this will be all -- all this will be future.

So what it will look like, at this point in time, is basically this is a 50 scale, which shows that first phase for the -- for the 45 lots and the darker area, the shaded area will remain undeveloped, which is in its current state as it is now. So this will basically be the map that is filed at the County, which illustrates the overall site and the blowup for the 45 lots.

The plan is the same plan from preliminary. We did address all of the preliminary review comments, excuse me, in writing and submitted that to the Town Engineer. And comments I just -- or responses I just handed out now, we did attach the Lu Engineers comments in the back, which correspond to our responses to his comments, and if you would like, I could go down through those.

JOHN HELLABY: If you could, quickly.

MR. BAKER: The first one, he was referring to the maps that we submitted. Like I mentioned, I submitted revised preliminary plans. When we did receive preliminary approval, the overall approval we did get comments from the Board, Town Engineer and the Commissioner of Public Works. We addressed all those comments and gave them written responses to that so he did receive those plans.

Kathy (Reed) in the Building Department received a set and Commissioner of Public Works did receive a set so basically we addressed all of the preliminary comments. We incorporated all those into Phase 1 that needed to be done in Phase 1, as well.

So these comments we received from Lu Engineers dated June 9th, um, like I mentioned, the first one was regarding the revised plans that we submitted to the Town and basically it's a statement that he did receive them in response to those comments from April.

The second comment, the applicant has adequately addressed the comments from the Town Engineer which is basically reiterating what we did in the first comment. We did address all of the comments and he has an exception and A through E, which is basically statements, um, saying the applicant is reminded to submit a copy to New York State DOT highway for highway work permit, which naturally we need get a permit from New York State DOT to work on Beaver Road because Beaver Road is regulated under New York State DOT. So we will definitely comply with that.

B was, "Applicant is reminded to submit a copy of the SHPO concurrence letter."

And that's attached to the back of my response letter which we did receive. We did have a -- our archaeological study done on the site. They didn't find any artifacts or arrowheads on property. We did a full survey. All of the information was submitted to what is referred to as SHPO and it is the State Historic Preservation Society, so they reviewed it and gave us this letter which is dated -- actually titled, "Parks and Recreation Historic Preservation," but in the second paragraph it states that they concur with the report recommendation no further archaeological work is warranted for the property. So the site is clear of any artifacts.

C, "We request the applicant to provide a copy of the proposed house pad plans for Section 1 of the project as previously requested."

My response to that was we do show on the grading plan which I brought with me, and we typically show a box with the elevations what the houses should be sat at. As you know, home buyers when they review the site for a prospective future home, they have a variety of homes they can pick from, so we don't know exactly. So we just show a typical footprint of a house that complies with the front setback, side setback and rear setback. And naturally with the conditions of the Town, um, we -- when a prospective buyer or home buyer purchases a house and decides on a lot, we actually prepare what is called an instrument survey and that will have the specific footprint of the house, which will be submitted to the Building Department in order to get a building permit and that will also comply with the setback requirements. So at that point in time, we just show a typical on each lot.

Applicant is reminded to submit a copy to the New York State DEC Article 24 wetland permit to the Town of Chili. Naturally we'll work with DEC. First section, the only wetland area we have, if you recall with Gene Pellett from preliminary, we have a channel across Beaver Road all along this section here (indicating). So we have these lots that do back up to that creek channel. We're not proposing any grading or any work in that area. There is a buffer zone, we're staying out of it. Naturally we'll work with Gene Pellett to make sure he gets clearance from DEC and any correspondence we receive we'll forward to the Town.

JOHN HELLABY: Not to throw a curve ball at you, but you have a Department of Planning and Development comments here. They make note of a storm water plan appears to be proposed within the 100 foot adjacent area of State freshwater wetland C15 class 1. Plans need to be revised to remove storm water ponds from the regulated wetland area.

Have you seen this?

MR. BAKER: No, I haven't.

JOHN NOWICKI: There is quite a bit of information here. I think you're going --

MR. BAKER: Maybe they're talking about a future section. They probably looked at the overall plan. We -- we did have an end section on the preliminary plans, which we turned around and backed that away from that buffer zone.

JOHN HELLABY: All right.

MR. BAKER: We'll check on that.

JOHN HELLABY: There are some issues I think I will have to address once we get further along.

JOHN NOWICKI: The last page of that letter is quite a bit of comments there.

JOHN HELLABY: I'm sorry. Go ahead.

MR. BAKER: That's all right. The applicant is reminded to contact Commissioner of Public Works to discuss maintenance access easements to the proposed storm water management facilities. Naturally we'll work with Dave Lindsay on -- on the access points. We did show easements off the public right-of-way, along adjacent properties lines for his access and we'll make sure that his access road is -- is to his liking.

Michael (Hanscom) went on to further reference other comments. We have the following additional comments. Number 1 is basically regarding the specific wording that he wants for the signature blocks on the drawing to -- to state exactly who is going to be signing the plan. So basically a signature line and he wants the title revised. We'll revise that title block to what he wants.

Number 2 on these additional comments, um, drawing two, label the proposed conservation easement to the Town of Chili. Naturally we show on there conservation easement, but we'll add the extra wording that says "to the Town of Chili."

Drawing Number 3, under the "Site data," um, add a note that states the front setback for Lots 401, 402 and 403 are set at 75 foot along Beaver Road. If you recall, we had our standard front setback distance and then we discussed at preliminary, that the frontage lots along Beaver Road that actually have driveways going out to Beaver Road and houses that front on Beaver Road, the Board requested that we move it to a 75 foot setback. We did show that on the plans. It's on all of the plans. But Michael (Hanscom) is asking to show an additional note down in the site data. Because our standard site data lists 30 foot front setback, but he wants a specific note for these three lots so it cannot be misunderstood.

Drawing 4 under "Site data," basically the same thing for: Lots 101, 102 and 103. Note for 75 foot front setback.

JOHN NOWICKI: So you're putting a note on the drawing?

MR. BAKER: Correct.

JOHN NOWICKI: Not showing a setback?

MR. BAKER: Setback is at 75 feet. We did show it for 75 feet at those specific lots. That's what the Board requested. However, he wants to reenforce it with an additional note so it is not misunderstood if somebody comes into the Building Department and it says -- well, it says 30 feet here. You know, well, really for those three lots -- or four -- six lots.

JOHN NOWICKI: Six lots.

MR. BAKER: It would be specific to those lots to be 75 feet.

JOHN NOWICKI: Good.

MR. BAKER: Number 5, on the Drawing 3, 4 and 5, um, which are the utility and -- utility plans, provide necessary traffic signage, stop sign, street names, speed limit signs and we'll work with the Highway Superintendent to make sure we comply with what he wants as far as the positioning of those signs on the street and typical sign post -- typically we put the post in and then the Town actually has their own signs.

Number 6 on Drawings 12, 13 and 14, had a note for these plans that states that all trees are to be planted a minimum 5 feet outside any sanitary or storm easement. Basically we have a 60 foot right-of-way. As you all well know, the street is within the 60 foot right-of-way, and in order to accommodate sanitary and storm, on one side of the road, in certain areas we end up having to put an additional sanitary easement outside that right-of-way, and what he is requesting is that if there is any easement area that is outside that 60 foot right-of-way, to have a tree -- we'll put the trees on each lot, to be 5 feet away from that easement line. In case the Town ever has to go in and work on it, the tree won't be on the easement line.

We're continuing our review of the plans and documents and the Storm Water Pollution Prevention Plan which we submitted, which is referred to as an SWPPP, Storm Water Pollution Prevention Plan, has been submitted to the Town and he is reviewing that. We ask the applicant to provide written reply and that's what I submitted. That's Number 8.

Number 9, um, this should not be construed as a complete and final review of the -- of the application. Basically, um, he is asking the Board to allow him to -- to -- to review the plans a little further. If we want to make changes, something else comes up that he notices in the beginning, or the Commissioner of Public Works, we'll work those details out with him and the Commissioner which we have always done in the past, so that is not a problem. And that concludes his comments.

JOHN HELLABY: You set?

MR. BAKER: Yes.

MATT EMENS: So he brought up in the middle of his presentation the comments from the County.

JOHN HELLABY: Yes, sir.

JOHN NOWICKI: They have not received them.

MATT EMENS: That is why I was confused.

JOHN NOWICKI: Have you not received a copy of the comments?

JOHN HELLABY: I have not checked the date on them.

MATT EMENS: It says May 10th which was the date of our meeting last month.

JOHN NOWICKI: Department of Planning and Development.

MATT EMENS: Guessing these are applicable to the previous --

MR. BAKER: Application.

MATT EMENS: So it has not captured your -- your revisions that you were discussing tonight obviously.

MR. BAKER: But we did with -- the storm sewer is on all the preliminary plans that I mentioned.

MATT EMENS: Right. But what I'm saying is that what you submitted last month and reviewed it, made your changes and came back tonight -- in between there, this is the review of your first set of drawings. So these comments, I believe, apply to your first set of drawings that we looked at last month.

JOHN HELLABY: That might well have already been addressed. I don't know.

MATT EMENS: I guess my concern is I don't know how we -- how do we -- how do we clarify.

JOHN HELLABY: That's -- they have final -- they have final -- they have final approval so they'll catch it one way or another.

PAUL WANZENRIED: Right. There is a condition, standard condition that it has to -- they have to abide by the County comments. And those County Comments were received at 3:52 this afternoon.

JOHN NOWICKI: This letter?

PAUL WANZENRIED: Yes. In our office. Yeah.

JOHN NOWICKI: Dated May 10th?

MATT EMENS: Like I said -- I don't have comment or questions.

JOHN HELLABY: The engineer will address it. Again, I think it is something that the engineer can go over with them.

JOHN NOWICKI: They will have to go over this before -- there is some interesting serious situations here.

MR. BAKER: Such as?

JOHN HELLABY: But again, it applies to the overall drawing. I don't think this pertains to Section 1. Pertains to the overall drawing.

JOHN NOWICKI: I think they'll have to review the letter and go over it with the Building Department.

MR. BAKER: That's from County Planning?

JOHN NOWICKI: From County Planning. Three pages.

MR. BAKER: Renee Kessler? A lot of those -- the County Planning, what they do is they have what they call a PRC meeting, Project Review Committee meeting and they actually meet

with a New York State DOT representative, Monroe County Transportation representative, representative from DEC, if they show up. And various departments within the County.

So we do see comments from Mr. King regarding the wetlands, flood plains and compliance and conditions with that which we have always complied with, with Mr. King's comments.

JOHN NOWICKI: He doesn't make this a condition tonight.

MATT EMENS: My understanding it already is, correct, Paul (Wanzenried)?

MICHAEL HANSCOM: I think with regards to the wetlands, a lot of the comments that the County had are similar to ones -- the comments that we had when we reviewed the -- the drawings originally, and that the wetland boundary was marked as a federal wetland when it was supposed to be --

JOHN HELLABY: State.

MICHAEL HANSCOM: -- when it was supposed to be marked as a State and a federal and the 100 -- the 100 foot buffer line was supposed to be shown. Walt (Baker), later on, at the previous meeting stated that the buffer for the wetland line that he showed was actually the 100 foot buffer line. On subsequent plans they added the correct wetland lines that do match the wetland delineation report that they submitted.

JOHN HELLABY: All right.

JOHN NOWICKI: I still think we should make it a condition that this be reviewed.

PAUL WANZENRIED: It is a standard Board condition that all County Comments will be addressed.

JOHN NOWICKI: They are great. Thank you.

Only other thing, any comments that you -- did you receive the letter from the Department of Transportation?

MR. BAKER: Just going to bring that up. We did happen to receive that as of yesterday. SRF Associates, Steve Ferranti, owner of SRF, and he has had conversation with Dave Gehring at New York State DOT regarding the review of the traffic study that was submitted at preliminary approval. We had it done prior to that. The comment letter is referring to what they classify as -- warrants whether or not you need to do improvements on Beaver Road for the project. So if you would like, Stephen (Ferranti) is here tonight. So he had conversations with Dave Gehring today and he can relay that.

MR. FERRANTI: Good evening. Stephen Ferranti with SRF Associates. We're a transportation and engineering planning firm with offices at 3495 Winton Place in Rochester, New York.

As Walt (Baker) indicated, we received the June 6th, 2016, letter, review letter from New York State DOT last week. Middle of the week. Um, and primarily, the reason I'm here is to address what they're calling out here for as the improvements on Beaver Road, the left-turn lane, turning into the proposed development as well an opposing left-turn lane at the Beaver Road Extension.

That -- that comment is contrary to our recommendation in our report, and our report, we look at the guidelines that the State uses to determine if a left-turn lane is needed. And you look at the traffic conditions during the morning peak hour period when traffic is the heaviest on Beaver Road and traffic coming out of the subdivision, as well. And then we also look at the afternoon commuter period when all of the traffic is coming back and the left turns are going into the subdivision or into Beaver Road Extension.

I have a plot -- I will show you the tool that we use, the State uses, and I just want to show you the results of this plot. And what it concludes is that in what we have proposed, to New York State DOT, is that we take a phased approach to this mitigation. Meaning, you know, there are two segments. The west subdivision and the east subdivision.

The west subdivision they had no problems with the access road to that drive. It was to the east driveway that they required or are asking for this left-turn lane.

We propose that after the development of 60 lots, at that point in time, we take a snapshot of the actual traffic conditions -- because don't forget in our traffic report, they're projections. They're good projections, but that's what they are.

And at that point, 60 units up and occupied, you have a very good handle on the traffic distribution, the number of left turns coming in. The amount of traffic behind the left turns which is a big factor when you consider this. And I will show you so we have compared the warrants at full development of the east subdivision compared to the warrants for 60 units of development of the east subdivision.

Here is the results.

PAUL WANZENRIED: Can you ask the applicant to put one on the projector?

JOHN HELLABY: What you're looking at here is a plot, and again, this is a tool that New York State Department of Transportation uses, Monroe County -- every traffic engineering firm uses this plot, this mechanism to use as a guideline for determining need for a left-turn lane. We look at opposing volume. That is how much traffic would a left turn motorist have to cross. That's the opposing traffic in order to get into the site. So we look at the opposing volume at full development with some stage. In this case it was full development, 118 units. We look at advancing volume. That is how much traffic is behind the left-turner. Say at night the traffic heading west, westbound behind someone turning left into the site. You plot the two points of those numbers that we have in our traffic report, and the point lies for this particular example on the XX is 600 versus 210 roughly and moved over.

If the point lies to the right of that red line, a guideline says a left-turn lane is warranted.

That is for full development. That is why they made the comment they did. And that's in our original traffic report.

Here is the same tool, but now we have -- and the same volumes for opposing volume and advancing volume, but we have the amount of left turns that would be made with the development of 60 units and we get the number of turns based on ITE, the trip generation, everything we use consistent in our original report.

So you can see the plotted point lies almost on the line. So it is marginal that says a left-turn lane is warranted. That is why we're stating and we proposed to the State and they have agreed to it and I have an email here I can read to you and share with you.

They have agreed to a phased approach at looking at this mitigation up to 60 units. And I will just read it briefly. And again, as Walt (Baker) said, I have had email dialogue and this just over the past two days, but here is, in essence, Dave Gehring, the regional traffic engineer's response this afternoon.

"Steve, we have reviewed your proposal for a phased mitigation plan. We can allow a phased plan with left-turn lane would be deferred until up to 60 units are constructed and ready for occupancy. It would require the willingness of the Town to have a mechanism in place to enforce this threshold. It would be prudent to begin planning a design at the turn lane in advance so that you don't hold up greater demand for the homes if, indeed, there is a greater demand for 60 in a shorter time period. We'll follow up with a letter modifying our last response accordingly."

That's from Dave Gehring. I can share with you a copy of this. So that is where it stands today in terms of the issue of the left-turn lane. The DOT is willing to let the project move forward up to the development of 60 units on the east subdivision. The west subdivision is all set, no conditions, no mitigation attached to it.

Any questions?

JOHN NOWICKI: I am looking for answers from the State of New York somewhere along the line. When are they going to make improvements along that road? That road is being torn up left and right by heavy truck traffic daily. Somewhere along the line, where it is this guy from the State of New York, Gehring -- isn't there anybody out there that has a budget or a plan to fix these roads somewhere along the line or are we just going to watch them deteriorate for next 50 years?

MR. FERRANTI: John (Nowicki), you know as well as I do one of the mechanisms they use you're looking at right here. The State can't build capacity. They build safety.

JOHN NOWICKI: How about maintaining and safety?

MR. FERRANTI: I'm not speaking for the State. I can't speak for them.

JOHN NOWICKI: That is my question, who can speak for the State to say they will come along here and expend X number of millions of dollars to fix this thing?

JOHN HELLABY: Problem is nobody can say that because it is a statewide problem. If you saw 60 percent of the underside of the bridges you drive over today, you would quit driving. They're dangerous.

JOHN NOWICKI: It's ridiculous.

MR. FERRANTI: Bridges in particular.

ERIC STOWE: That would exceed, though, the scope of this review.

MR. FERRANTI: By far.

ERIC STOWE: DOT is DOT and not Town of Chili.

JOHN NOWICKI: The sides of these roads are a mess.

JOHN HELLABY: We understand your frustration and it will continue to frustrate everybody.

JOHN NOWICKI: You build 60 homes and then they're saying you have to put in the left-turn lane. Will you do that, put in 60 houses down the road? Again, who is going to do that? It's a State highway. They should do it. They should fix this darn thing.

MR. FERRANTI: The reason for the phased approach, because the pressure, the need for the left-turn lane is not eminent as this indicates. But also they have -- the DOT has also indicated there is no need for a left-turn lane to go into the extension, Beaver Road Extension. Sad to say, if you put a left-turn lane turning into the subdivision, you have to have something on the other side so it expands the widening.

JOHN NOWICKI: Maybe they fix the intersection of Archer and Beaver Road.

MR. FERRANTI: Now you're onto something. There may be something more here over time.

JOHN NOWICKI: Let's get a study done here or update the Corridor Study that was done there years ago. This is nonsense.

MR. FERRANTI: Correct.

JOHN HELLABY: I understand you have a lot of free time now you're retired. You're -- you can make it your prerogative to go to the State to start talking to people.

MR. FERRANTI: Another big factor that is driving this is the speed, the posted speed and the traveling speed out there. It is posted for 45. People are probably doing 50, 55. And that's the reason why -- or the conservativeness in putting in a left-turn lane for safety reasons. Over time, as areas develop and roadways develop with subdivision, streets, homes, businesses anything along what is called marginal development along the roadway, the speed limits drop. That's one of the factors besides the 85th percentile speed that they consider to lower the speed. If the speed was lower, that graph would be less met. But it is the higher speed -- we have a 50 mile an hour represented in that graph. If there was lower speed of 40 or 45, you could go up to

more units. Just giving you a lot of the detail behind this.

MATT EMENS: Can I have a clarification? So the 60 units that you're showing us in this graph is based on the comments from the State? They came up with 60 based on the way it plots?

MR. FERRANTI: We -- we provided this to them.

MATT EMENS: You suggested it because it is on the outside of --

MR. FERRANTI: Because we have this tool that we could take 60, 65, 70, however many units and see where the plot lies. Unfortunately the State does not have this, too. Go figure.

MATT EMENS: I guess I have a follow-up questions back to Walt (Baker), if I could. So Walt (Baker), can you go back to your phasing where -- where you're trying to get an approval tonight on what you're calling Phase 1 but actually has two construction phases. Can you just remind me of the lot counts on this, please?

MR. BAKER: Phase 1, as I mentioned, is this one area, 45 lots. Phase 2 will have 42 lots. Phase 3, 34. Phase 4, 40.

MATT EMENS: Can you explain --

MR. BAKER: Phase 2 is here. Continuation of this road and the connection at this point and stubbed to here (indicating).

MATT EMENS: Can just -- again, you have a construction Phase 2 and Phase 1?

MR. BAKER: Phase 1. So we have 27 lots here and 18 lots here (indicating).

MATT EMENS: So you said 45 or 46 in Phase 1?

MR. BAKER: 45.

MATT EMENS: So you're not even getting to the 60 amount in the first phase?

MR. BAKER: Correct.

MATT EMENS: That's what I was just trying to get to.

DAVID CROSS: I was going to just ask you if you consider 45 lots the threshold other than 60. Because once you're in the second phase you have to build the turn lane anyway, right?

MR. BERNARD IACOVANGELO: Once you're through the first 45, then he can get more accurate data to talk to them. If they said, look it, now that we have accurate data because of the number of homes constructed in there, this is what we're going to require.

MR. BAKER: They can do an accurate count of the traffic that is on the road at this point. So what he called was a snapshot. To revisit it and reevaluate actual traffic on the road going eastbound, westbound traffic going in and out and see what patterns work out to be.

DAVID CROSS: Any sense how long that would take, couple years, or --

MR. BAKER: For 45 lots?

DAVID CROSS: To go into Phase 2.

MR. BERNARD IACOVANGELO: Minimum, year and a half.

I'm Bernie Iacovangelo. I work for Walt Baker. (Laughter.)

MR. BAKER: They want to know.

MR. BERNARD IACOVANGELO: But it will be a year and a half.

PAUL WANZENRIED: 75 Beaver Road, the Assessor makes this comment. 90-day notification to Assessor of modification for ag exemption. Lots in Phase 1 extend from 89 to 75 Beaver Road parcel. Subdivision of property after 3/1/2016 will be processed for 2017 assessment roll. Preliminary address may be done upon filing of sub maps at Monroe County. Monroe County RPS will map and create tax account numbers which are then available to Assessor for final assignment of addresses."

After that, I have no comments.

LARRY LAZENBY: Just a couple of clarification questions. As I pointed out on the information that we gave to the Planning Board, but -- are they planning on one tree per household in a project of this size?

JOHN HELLABY: I believe that is what was in the tree plan. One per lot.

LARRY LAZENBY: Okay. The proper caliber as stated by code?

JOHN HELLABY: Yep.

LARRY LAZENBY: We have been running into problems with other developments about the -- that is -- we all know that is some of the best topsoil in the entire state just about over there. And we would like to see that quality of topsoil used when the lawns and everything else are put back into the homes as they're completed.

And the final thing is did I hear properly -- I think I did -- which we like to hear, but the -- as a person buys the home, they are notified and they sign off of their knowledge and awareness of the 100 foot buffer and the conservation easement and any potential wetlands -- they actually sign off on that, correct?

MR. BERNARD IACOVANGELO: Correct.

LARRY LAZENBY: Did I hear that? Okay. Thank you.

ERIC STOWE: Mr. Chairman, I did have one comment. Just on the -- the -- the confirmation that the preliminary approval, that it was subject to Town Board incentive zoning. Because that was part of the application.

JOHN HELLABY: On the preliminary?

ERIC STOWE: On the preliminary. There was discussion that they would be before the Town Board for incentive zoning with respect to downspouts.

MR. BAKER: Oh, the waiver for the downspouts requirement.

JOHN HELLABY: You know, I don't see that in the conditions.

MR. BERNARD IACOVANGELO: Mr. Chairman ---

JOHN HELLABY: Wait a minute. I take it back. It was the last one. Compliance with

any discharge drainage requirements unless relieved by the incentive zoning. Is that the one?

ERIC STOWE: That's the one.

MR. BERNARD IACOVANGELO: We have been -- we have met with the Supervisor and with Mr. Lindsay to provide him with a draft of an agreement similar to what we did with Park Place and I'm just waiting to hear back from him as far as discussion with the Town Board and what the next steps are.

ERIC STOWE: That's all fine. I just wanted to make sure it was on there as a continuing condition.

JOHN NOWICKI: I would just like to some day, hopefully somebody talk to the State of New York and tell them to stop ignoring us over here and spend some money and fix our roads.

JOHN HELLABY: Make that your campaign. You have the time.

JOHN NOWICKI: It's a mess.

JOHN HELLABY: I know. I know. We all know it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BARB DENIGRIS, 254 Archer Road

MS. DENIGRIS: My name is Barb Denigris. I live at 254 Archer Road, which is right around the corner from this development. Did I understand that there were driveways that were actually going to come out onto Beaver Road?

JOHN HELLABY: Correct.

MS. DENIGRIS: You're actually going to have driveways coming out onto Beaver Road?

JOHN HELLABY: Correct. I don't recall how many. Four?

MR. BAKER: Six total. It would be three in this phase.

MS. DENIGRIS: That is absolutely ludicrous. That -- all you have to do is watch that road, watch Archer Road spill out into Beaver Road and watch the people who are impatient as someone is making a left-hand turn into Beaver Road Extension and they go all of the way around those people. They don't slow down just because somebody has a left-hand signal on.

And you talk about Beaver Road getting torn up, people are going to go off into the ditch.

I must have missed the last preliminary discussion. I don't know. I get these sent in my email and tell me when they are coming, but that is beyond belief.

And the people living on Beaver Road Extension were totally ignored. That has been a failed intersection right there where Beaver Road Extension empties out into Archer Road for years. And people on Beaver Road Extension have been totally ignored. We know people are going to come out of a development and scoot across Beaver Road Extension and make a left-hand turn heading north on Archer. This will not fly. And you are setting up a dangerous situation for a lot of people who have lived there for years. Not to mention the new people who don't know any difference.

I would also like to ask a small comment, question. I know there is supposed to be a fine placed on a development that transposes the use of farmland into housing. What is the fine going to be directed to these people?

JOHN HELLABY: No fine that I'm aware of.

MS. DENIGRIS: That -- that property is purchased and it was farmland and it could stay as farmland and is transferred over into development is supposed to be fined. John (Nowicki), you mentioned that one time at a meeting. It was approved by the State of New York as legal.

JOHN HELLABY: Are you aware --

JOHN NOWICKI: Farmland Protection Act.

ERIC STOWE: It is approved as legal but has not been adopted by the Town.

JOHN HELLABY: So there is no fine in the Town of Chili that I am aware of.

MS. DENIGRIS: I understood otherwise. There certainly should be.

JOHN NOWICKI: Is that something we can check out?

MR. BERNARD IACOVANGELO: John --

JOHN HELLABY: That will not make a difference now.

MR. BERNARD IACOVANGELO: John (Nowicki), in that plan, this parcel, um -- anything north of Black Creek was excluded from that plan. We reviewed it, looked at it. It was brought up at our concept meeting. We discussed it at the last -- the preliminary which indicated that -- I read the whole thing. And even the map that is attached and fixed to the plan, specifically excludes that land to the north of the creek.

JOHN NOWICKI: Was that done by who, County?

MR. BERNARD IACOVANGELO: The Town. The Town had a Farmland Protection Plan that they're developing. It hasn't been completely adopted by the Town.

JOHN HELLABY: But it's been in the works for quite a while.

MS. DENIGRIS: Needs to be hurried up because I -- because my backyard butts into Vista Villa. That's a mess up there, too. The side of a house looks like it is 20 feet away from Archer Road. Side of the house. Not the front door. The unattractive blank side of a house. It is starting to look like Downtown Rochester.

And we have a beautiful Town. I have lived here since '74. It's getting chewed right up. And we residents count on you, Planning Board, to put your feet to the ground and stop some of this. Mange it a little more difficult for people who are looking for a place to make money. And also to protect some of these people that are coming out from the City and they're looking for their little piece of heaven, and I can totally understand that. I think it's heaven here, too.

But to protect them from putting their driveways out on Beaver Road where we have Mack

trucks, 18-wheelers, everything. And not going at a snail's pace. Those Mack trucks come down there just as fast as vehicles do. Somebody is not thinking here. And the Transportation Department, I don't know where they're at. A lot of these departments I understand from when they started talking about -- about putting Vista Villa in, they're undermanned.

They don't have enough people to really do the kind of investigation that needs to be done. They ought to sit there at the corner of Archer and Beaver Road some morning after there has been a train on Archer Road and see the back-up past my house. And the same goes for Beaver Road.

Really disappointed in what is happening to this Town. And I'm disappointed -- I don't know where the fault lies. I know once somebody buys land they can do what they want, but that shouldn't be something that the rest of us have to live with. And that the new folks who are living out here, moving out into the country have to deal with also.

Put in 60 houses and wait and see if there is going to be a problem. We know what the problem is going to be. We ought to be smart enough to anticipate that.

Thank you.

JOHN HELLABY: Thank you. Any other comments?

SUPERVISOR DUNNING

SUPERVISOR DUNNING: Mr. Chairman, if I may, David Dunning. I would just like to clarify a couple of statements made. First statement was the Farmland Protection Plan that was spoken of has been adopted by the Town. The property in which this particular development lies is not a part of that, and not considered as protected farmland in any way, shape or form.

Um, second, the -- what Miss Denigris spoke about was the -- I believe the fine she was referring to is not really a fine at all. I'm not sure that this property falls into this. This would be under the purview of the Town Assessor. If a property is currently collecting an agriculture exemption from their taxes, there is some remedies from that if it comes out of that agriculture -- but I don't know that this property is even part of that -- but that is purely a function of the Assessor's Department and they administer that to the best my knowledge. There are no fines associated with that.

There may be some other things that have to happen in order to remedy that. I just wanted to clarify those things.

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

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

JOHN HELLABY: SEQR was done over the original.

MR. BAKER: Preliminary.

JOHN HELLABY: Discussion on the final. I think it -- at this venture, I would opt to carry all 19 conditions of approval of the April 15th letter for the overall project. If that is agreeable with everybody. I think it covers everything exclusively.

Only other concern I have is some sort of wording on this mitigation plan for this left-turn lane needs to be added in there or is that something that the engineer can work with them on?

ERIC STOWE: You're looking for compliance with DOT, any DOT regulations?

JOHN HELLABY: Correct.

ERIC STOWE: Compliance with any DOT regulations with respect to traffic and turning, they would have to be anyway, but just an explicit condition that any -- that this subdivision -- that this phase and any future phases would be subject to any requirements issued by the New York State Department of Transportation.

JOHN HELLABY: All right. We have original 19 conditions. Do I need to read all these or is everybody familiar with them?

Then we'll add number 20 is compliance with any New York Department of Transportation requirement.

ERIC STOWE: In talking with Mr. Hanscom, if DOT requires the updated traffic study based on the 40 -- was it the 45 units, that then gives you the sufficient data, do you -- a requirement that it would also be the traffic study at that point on the completion of the 45 units.

JOHN HELLABY: So compliance with any New York State DOT requirements and traffic study --

ERIC STOWE: Revised traffic study to be completed on the completion of the 40 -- of 45 units.

JOHN HELLABY: Just say of Phase 1?

ERIC STOWE: Phase 1 is 60 units, though.

MR. BERNARD IACOVANGELO: No. Phase 1 is 45.

JOHN HELLABY: 45.

ERIC STOWE: Yes. Then Phase 1.

JOHN HELLABY: All right. So to the vote, application of DSB Engineers --

JOHN NOWICKI: Question.

JOHN HELLABY: Go on.

JOHN NOWICKI: Are we covered now with the Department of Planning comments? Has that been taken care of, satisfied?

JOHN HELLABY: Yes. That falls to Mr. Hanscom or Michael (Hanscom) and -- and the

Highway will review. That it will all be part of their final approval.

JOHN NOWICKI: Okay. So that's not a condition then?

JOHN HELLABY: Well, to -- the final approval with them is.

JOHN NOWICKI: That letter will be addressed.

The only other question I have is the lots going out at Beaver Road, the driveways, are they going to be designed when the houses are built so there is a turnaround so people don't have to back out onto Beaver Road; they can pull out instead of backing out?

MR. BAKER: Actually, that was -- as Chairman stated, that was condition Number 14. Hammerhead turnaround on those lots.

JOHN NOWICKI: They are required.

MR. BAKER: It's required and on the map.

MATT EMENS: That's also the lots that have the deeper setbacks.

MR. BAKER: They have --

JOHN NOWICKI: They will have a turnaround.

MR. BAKER: Correct. Their driveway is 75 feet from the right-of-way, so obviously a driveway before you get to the road, so the driveways will be in excess of 85 feet and we'll have a turnaround so they will not be backing out. They will not be backing out on Beaver Road.

JOHN NOWICKI: As long as we're protected there.

MR. BAKER: That was a condition of approval from preliminary and we did incorporate that into the plans.

John Hellaby made a motion to approve the application with conditions, and John Nowicki seconded the motion.

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

1. Upon completion of the project, the applicant shall submit a Landscape Certificate of Compliance to the Building Department from the Landscape Architect certifying that all approved plantings have been furnished and installed in substantial conformance with the approved landscape plan.
2. Approval is subject to final approval by the Town Engineer and Commissioner of Public Works.
3. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
4. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
5. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
6. Building permits shall not be issued prior to applicant complying with all conditions.
7. Application is subject to all required permits, inspections, and code compliance regulations.
8. Subject to approval by the Town Fire Marshal.
9. The applicant shall petition the Town to extend the Chili Consolidated Lighting District Number 1 to include this project.
10. The application shall petition the Town to establish the necessary sidewalk district to service this project.
11. The applicant to make an offer of dedication of the subdivision roads to the Town of Chili.
12. Minimum 5 feet side setback with minimum distance between constructed homes of 15 feet as measured from building foundations.
13. Lots 101, 102, 103, 401, 402, and 403 along Beaver Road require a 75 feet front setback.
14. Lots 101, 102, 103, 401, 402, and 403 along Beaver Road require hammer head turnarounds.
15. Lots 104, 151, 404, and 440 will require 35' setback along Beaver Road.

16. Lot requirements:
 - Lot width (minimum): 70 feet
 - Lot size (minimum): 10,500 sq. Ft.
 - Front setback: 35' minimum with exception of lots 101, 102, 103, 401, 402, and 403.
 - Side setback: 5 feet minimum requires 15 feet minimum distance between constructed homes as measured from building foundations.
 - Rear setback: 30 feet minimum
 17. Conservation easement with public authority and public pedestrian access from a public right-of-way.
 18. Pedestrian connect elevated bridge in the area of lots 435, 436, 116, and 115.
 19. Compliance with any discharge drainage requirement unless relieved by incentive zoning.
 20. Compliance with any and all NYSDOT requirements and revised traffic study will be required at build-out of Phase 1 and prior to the start of Phase 2.
8. Application of Battisti Bros. Dev. Inc., owner; 17 Mondavi Circle, Spencerport, New York 14559 for reapproval of final subdivision of 14 lots (granted in 1999) to be known as Carriage House Estates Section 3 at property located at 515 Paul Road in R-1-15 zone.

Bob Winans, Mike Battisti and Rich Battisti were present to represent the application.

JOHN HELLABY: Fire Marshal looked at this and he has no comments.

For background information, this is part of a subdivision that was approved back in the '90s that was already developed and now there is renewed interest in some of the storm water regulations that have changed so they have to address this situation.

MR. WINANS: Thank you. My name is Bob Winans, an engineer with Landtech, and with me tonight also is Mike and Rich Battisti. And they are -- like you mentioned, we had the approval for this section which is shown in green on my aerial map there, and we had the approval back in 1999. 14 lots, consistent with the overall preliminary plat for Carriage House. This was the third and final section which would connect to Carriage House Lane.

The project was put on hold back then. We never ended up getting the map filed. All of the final signatures in getting the map filed have been put on hold. So at this point we wanted to go ahead and get it done, get it reapproved, get the map filed and get the site constructed.

The one issue that has come up is, as you well may know, since 1999, the storm water regulations have changed dramatically. So what we have done, we have kind of gone back and forth with the State DEC, worked with Dave Lindsay, Town Engineer, and what we're going to do is modify the storm water in this section to provide additional water quantity control and water quality control with a small pocket pond that will be located in the rear of Lots 312 and 313.

So what we're going to do is -- well, in current -- currently the -- the whole subdivision was designed originally with all of the storm sewer piping going to a 36-inch pipe that drained into an existing detention pond that we built back when Sections 1 and 2 were done.

We have got a storm water control area here which is set up for the whole subdivision, but because of the new storm water regs, what we're going to do is divert some of that storm water into this pocket pond in the back of these lots and then that pond will drain into the larger pond. So basically we're adding another layer of water quality and control prior to going into the larger pond which then exits the same way it has always exited.

What that will do is let us meet the Town regulations, the DEC regulations for storm water. It will let us maintain the integrity of this existing pond and not have to do too much to it. Basically we're going to have to dig a small open channel to let this pocket pond drain and otherwise it will be pretty straightforward.

So -- also, I have received the Town Engineer comments, and I don't see a problem with addressing them. They're mostly housekeeping things, technical items that bring the maps up to today's standards of the way we do things as far as specifications for piping and storm water control notes, so, um, I don't see any issue with addressing those. I did talk to Mike (Hanscom) a little bit today about it, so that's it.

Do you have any questions? I would be happy to try and answer them.

MATT EMENS: So the land was -- or the subdivision was put on hold back in '99 for lack of interest? Business?

MR. WINANS: Well, basically, there was things going on -- I guess we can say -- I mean -- I think it -- well, it's known and documented that Bausch & Lomb was doing testing at the time on their property for some hazardous issues they had going on there with some of their drains that came out of their building and were going into their storm system, which, you know --

the old -- the Bausch & Lomb factory was here, and their drainage ran back out through here (indicating).

So in an effort, as part of -- of their mitigation and their addressing that, the DEC asked them to put wells and monitoring wells into our property to make sure nothing was getting onto this property. Well, they basically -- Battisti's put the project on hold to make sure everything was okay with that.

Over the years, they kept testing and checking it, and at some point a few years ago, they basically just said, "We're done," and I think the DEC is letting them start winding down their testing and such and they basically gave us a clean bill health to go ahead and subdivide the property. So there was really nothing slowing them down.

I think some things happened with the economy and getting things going to get it started again. And now just was the time to do it.

JOHN NOWICKI: Have you responded to our Town Engineer for each of the items of his letter?

MR. WINANS: I have not given him a written item. I talked to him today, and I think we agreed that they're all fairly minor, all minor things that I can fix on the construction maps prior to getting it signed off. You know. Basically, it's just bringing the construction maps up to the Town notes and details of today.

JOHN NOWICKI: You're saying you have gone over every item in the Town Engineer's letter, the 36 items? You have gone over every one of them with the Town Engineer?

MR. WINANS: I -- I have gone over them personally and looked at them. I did not talk to each individual item with Mike (Hanscom).

JOHN NOWICKI: He has requested here a written reply for each of the items.

MR. WINANS: Right. That is what I will give them prior to getting the mapped signed off.

DAVID CROSS: Just condition the letter.

JOHN NOWICKI: Absolutely. I want to make sure there -- there is a lot of issues in here. In your letter. It has to be addressed.

DAVID CROSS: Al (Hellaby), with that, we should get a copy of the DEC correspondence. The Town should have a copy of that. I would ask that somebody at the side table review it before we make -- make that a condition. I think we're voting on this tonight, though, right?

JOHN NOWICKI: I don't know.

JOHN HELLABY: It is for reapproval.

DAVID CROSS: Just condition it.

ERIC STOWE: My only comment is the condition on the easements, but that's always outlined in the engineer's letter.

JOHN HELLABY: Michael (Hanscom), are you confident you can get all these -- it seems pretty lengthy, but they don't seem too overwhelming.

MICHAEL HANSCOM: I'm confident they can satisfy it.

LARRY LAZENBY: Just a couple of the things I have already mentioned in my information --

JOHN HELLABY: All right.

LARRY LAZENBY: -- to you.

JOHN HELLABY: All right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JANINE AND JAMES WHEELER, 34 Lamp Post Drive

MS. WHEELER: Janine and James Wheeler, 34 Lamp Post Drive. We have the house that has the two acres of land with the majority of the easement for the Town of Chili on there. So when they refer to the original pond, that is on our property.

We have concerns about the drainage going from the new section into the pond. We have asked numerous times for some clarification on that, and what it is going to look like, how it is going to be developed. Specially with the wells that have been there. What is the reassurance of the contamination and the water going into that pond?

Right now, the majority of that pond is grass with just a little bit of area that has some cattails in it. Over the last two years, we have had numerous problems with other people just coming on our property because it looks park like and they think it is trails and they can walk through there.

Now, with having three additional backyards backing up to that area, where the ponds are, we have a huge concern over the liability of that pond if there is going to be water in there, especially if it is going to be pretty deep. So we want -- we want more details on what is going to happen with the -- this drainage, what is this pond going to look like, who is going to assume liability if -- if the people who live there don't understand boundaries and come on that property.

You know, we're retired. We don't want to assume a liability for somebody getting hurt or injured. And even last night, there was a woman that walked back there with two small children.

Now, those wells are back there. We don't know if they -- if that contamination is still cleared up. What if something happened to those kids? Who is liable if they had fallen down into that area where the cattails are?

JOHN HELLABY: Well, unfortunately, it is like any other homeowner anywhere. I -- 99 percent of the onus falls on the homeowner. It's their property. They have to make sure that

if somebody is trespassing, they call the property authorities. Can't expect the Town to be out there policing it like that.

MS. WHEELER: Understood. But the majority of that area right now is an easement. And we're not even sure how big this easement is, and if I heard you correctly, it sounds like there will be additional easements for more drainage on the other properties and will that back up to our property?

JOHN HELLABY: Can you just point out where their house is and what this pond is that they're referring to?

MR. WINANS: They're -- what I'm understanding, their house is over here on the -- on the cul-de-sac. They own all of the way back -- this is their entire property here (indicating). The existing detention pond, storm water area is back here (indicating).

MS. CONNER: Correct.

MR. WINANS: Which is all in easement in the Town of Chili only.

MS. WHEELER: We're not exactly sure of the size of the easement because when we look at the map, it looks like additional property around it. That is what we asked before. Can somebody mark this easement out and show us? We do know coming off the street on Lamp Post Drive there is a 10 foot easement coming on our property and also our neighbors' property. So we know there -- it is 20 foot. 10 foot on each property.

MR. WINANS: Right now, at the end of this stub street, the way we had the storm sewer designed before there is an existing 36-inch pipe that was already installed that -- it is actually down here (indicating), that comes up and out, dumps into the pond area and --

MS. CONNER: It dumps into a small little area of cattails. The rest of that is all grass right now.

MR. WINANS: Okay. Well, that's the retention pond area. Then -- you're saying people walk out into this area?

MS. CONNER: Yes.

MR. WINANS: The good news is once we have the street in and people start living there with the houses, people will not be walking there. It will be homeowners that own this property and they will be looking out for it and maintaining the area and making it nicer. And then what they'll have is their own little shallow pond in the back of their lots with an easement to the Town also back there, and then what we'll do is have to drain that pond into this pond so there will be a small channel and rip-wrap to allow for that storm water to flow into the existing pond which is on your property, but in the Town easement.

MS. WHEELER: How deep will the water be, with 14 houses?

MR. WINANS: With the new -- the new pond?

MS. WHEELER: Yes. Right now there is minimal water.

MR. WINANS: Not more than a couple of feet.

RON RICHMOND: Do the contour lines change? With the regrading of the pond?

MR. WINANS: With the existing pond, no.

MR. WHEELER: Is there going to be a fence around the pond?

MR. WINANS: No.

MR. WHEELER: No.

JOHN HELLABY: There shouldn't be standing water in that pond for any length of time, correct?

MR. WINANS: No. It should be dry. It's going to have area underneath the outfall pipe so there will be water in there temporarily. That is kind of the way it is designed for the water quality that we have to do it that way. But I mean, it is taking care of such a small area it will not --

JOHN HELLABY: Is there any regrading work within that existing pond area that has to take place other than the rip-wrap?

MR. WINANS: No. And we purposely -- you know, one of the options we had as part of the storm water regulations was to go in and redo this whole pond. You know, re -- recontour it, dig it out, undercut it, make it a water holding pond. We could have done the whole thing, put in a new control structure to reduce down to the one-year storm, to -- to put a new overflow weir for the 100-year storm. We have gone through and done major work over there. We chose to add an additional storm sewer within this site. We're basically relaying out all of the catch basins on the site so they go back to this point and then just hopefully, minimally affecting your property.

So it will just have a small drain into that existing pond rather than redo the whole thing. So we're trying to keep it all on our section. And that's the point. So...

JOHN NOWICKI: Is that pond a Town property?

MR. WINANS: No. It's their property in the Town of Chili easement.

JOHN NOWICKI: But an easement --

MR. WINANS: For maintenance.

JOHN NOWICKI: So the Town does the maintenance?

MR. WINANS: Right.

MS. WHEELER: The Town has never stepped foot on that property since we have owned it.

ERIC STOWE: I have not read the specific easement, but typically we have the right but not the obligation.

JOHN HELLABY: Unless there is a problem.

MS. WHEELER: Like the tree.

MR. WINANS: Typically, if there is a problem with the storm water flow, that's when the Town is obligated to go in.

ERIC STOWE: It's a drainage and access easement so we can get back there and we can work with the drainage.

JOHN NOWICKI: If somebody drowns in that pond, who is responsible for that?

ERIC STOWE: I can't answer that question right now.

MS. WHEELER: That's what I'm asking. And right now, I think you need to take a look at it. Because the way the grading is on it, I mean nobody has touched it since we have moved in, and it's not that -- that deep right now. Would you say? I mean, 1 to 2 feet of water, it would be over the --

MR. WHEELER: There is also an open culvert that comes up in the middle of one pond and I always had a concern about that culvert because there is no grade or anything on it. So anybody ever goes into that will fall right into that culvert. I think somebody ought to take a look at that at some point.

JOHN HELLABY: Talk to Dave Lindsay, the Highway Superintendent, just to get his take on things when you get a few minutes.

MR. WINANS: If Dave (Lindsay) or Mike (Hanscom) wants to meet out there, I can go out and I'll walk through it with him.

JOHN HELLABY: If you're so inclined, it might give you a little better idea where the right-of-way and everything is out there.

MR. WINANS: And obviously if we didn't have to do anything other than the State regulations we're kind of --

JOHN HELLABY: Right.

MR. WINANS: -- we wouldn't necessarily be doing all this, but we are obligated to do it.

PHIL LANDER, 36 Lamp Post Drive.

MR. LANDER: We have a concern about the DEC report, all this going down. A lot of the heavy metals in there are going through infiltration. When the dirt is moved around, is there any possibility that that contamination will get into the neighborhoods?

MR. RICH BATTISTI: Rich Battisti, 6 Mondavi Circle, principal in Battisti Brothers. What the DEC found was it was an aquifer about 30 feet below ground. It's well below any storm sewer, sanitary sewer, waterline, basement -- basement floor. Um, and it's within drinking water levels.

Now, they did suggest and we might do is put a -- basically like a radon mitigation system in the homes just to prevent -- just to be on the safe side, but they don't even -- they said that is not even necessary.

JOHN HELLABY: I don't even know if it is so much the new homes as I think he has a concern with you guys stirring up dust.

MR. RICH BATTISTI: No. It is so deep in the ground. It is not in the soil.

MR. LANDER: There is areas in there with no grass at all growing. What is in that soil that nothing has been there for 30 years?

MR. RICH BATTISTI: May not be topsoil. May be fill dirt.

JOHN HELLABY: Could be clay or something. I mean, I have bare spots in my property because there is no topsoil basically.

MR. WINANS: They were working on it 20 years ago. When they put the other sections in, they were -- they put some of the storm sewer in so there has been work going on over there.

JOHN HELLABY: You're saying some of the utility work has been done in that section?

MR. RICH BATTISTI: Yes.

MR. WINANS: Yes. It was done -- I mean it was kind of thought out ahead of time when we are doing Section 2 and Section 1 because we thought Section 3 was going to happen right afterward, but we -- but we did it actually to make it -- like the existing type that goes out to the pond now, we did all of that just so we didn't have a real deep open channel and I think the Town wanted us to do that. Rather than having a deep open channel going through here, we put all this pipe in. And then this piece of sewer, because the manhole was out here farther, we had that extended already so some of the work was already started, you know, kind of laid out. So we're just kind of connecting the pieces.

JOHN HELLABY: Mrs. Wheeler had mentioned some wells or something back there. And I guess I'm a little confused what she is alluding to. You're on public water.

DAVID CROSS: Groundwater monitoring.

MS. WHEELER: There is about 30 of them.

MR. WINANS: That was part of --

JOHN HELLABY: They're not still utilized, are they?

MR. RICH BATTISTI: There are three wells left that they're just going to monitor for the near future. They just want to make sure that nothing regresses. And they -- they would be in the right-of-way. Nothing on the lots.

JENNIFER LANDER, 36 Lamp Post Drive

MS. LANDER: Jennifer Lander, 36 Lamp Post. My question just kind of goes a little deeper in with the soil. Um, we're just assuming is what it sounds like that there has been no migration of all of these highly toxic chemicals that Bausch & Lomb dumped 20 years ago.

Are we going to just assume that? Let's do some soil testing 20 feet down before we start digging basements and uprooting all of that possible contamination. I'm not saying it is, but do

we know that there has been no migration in the last 19 years of any of these highly toxic deadly chemicals that were dumped, cancer causing? For the health and safety of current residents as well as health and safety of prospective home buyers. I feel like to be responsible, that should be done.

And I would also like to know if the Town is going to require the future homeowners who may want to purchase in here to be notified that their property borders a toxic chemical waste dump? I mean, are they -- are we just going to sell these houses and then families moving in with children are going to find out later that they're borderline is a chemical waste dump? I mean it's --

JOHN HELLABY: She has -- she has some of what of a valid point. I mean, is that something you can ask for?

DAVID CROSS: A disclosure report from the DEC or something you can give the Town to review?

MR. RICH BATTISTI: Yes. Can -- I can get a copy of what the DEC gave me at the last -- at our last meeting. Basically it was a go-ahead. All that -- they have tested everything. Bausch & Lomb has done the mitigation. I can give you all of the information.

MR. WINANS: That really was the point of all of the testing they have done for the past 15, 20 years, with all of the wells, is that they have been checking all that 30 feet down, 20 feet down. So they have been -- you know, that is what they have been checking.

JOHN NOWICKI: They're still checking it.

MR. WINANS: They want to keep an eye on it, yes. They have three wells.

JOHN NOWICKI: You can get a report on all of the testing?

MR. WINANS: Um --

MR. RICH BATTISTI: Yes.

MR. WINANS: I guess yes.

MS. LANDER: The groundwater is what the wells are testing.

MR. WINANS: That is an indicator what is in the soils.

MS. LANDER: If we don't have a well in each of these proposed plots here, then we don't really know for sure that maybe house number 1 is okay but maybe house number 2 has some thing -- you know, something toxic that has migrated into the soil.

Now you're going to dig it up and there will be piles of soil left like it was a left for 19 years. That's a mess back there. There is big, huge, rusted dumpsters that were left, that were never even removed. Those have been decaying and left there. In addition to all of the dirt.

So now you'll dig basements where we don't really know for sure what is down there 100 percent know for sure what is in each of these 14 houses, what is -- what is in that soil.

MR. WINANS: We did an --

MS. LANDER: Because there are not wells on all of those.

MR. WINANS: When the basements are dug, they only go down about 7, 8 feet. And our sewers aren't deeper than 7 or 8 feet, so nothing will be going any deeper than that.

MS. LANDER: It's just a lot of, um -- a lot of assuming. I don't want to come down with cancer. I don't want my kids. I don't want my neighbors. I don't want future, um, home buyers to move into a division that hasn't been built because of a highly -- a highly toxic chemicals that were dumped and them not knowing. That's -- that's important.

JOHN HELLABY: Out of curiosity, how far is your home from that area?

MS. LANDER: Well, I'm right next --

MS. WHEELER: They're next to them.

MS. LANDER: I'm right next to them. So the first house in -- I don't know what number that is.

JOHN HELLABY: Have you had any testing done on your property?

MS. LANDER: We have only been there -- we haven't been there a year. We moved in in August under the assumption that no building was going to be taking place. We were technically told it was forever wild by the realtor. Um, we were definitely not told when I -- when I asked multiple times, why had the building stopped. We were never told about any type of contamination of wells on the property.

JOHN HELLABY: Goes back --

MS. LANDER: I never would have purchased the home.

JOHN HELLABY: Goes back to buyer beware. People are out there looking to unload everything and anything.

MS. LANDER: But we know this to be true, what happened there, and I -- I think it would be --

DAVID CROSS: The Town needs a copy of all of the correspondence from the DEC to be reviewed -- whether it is the Town Engineer, Assistant Counsel or whoever, you know, we -- we need this.

MR. WINANS: Yes. I mean, we wouldn't be doing it if they didn't feel confident at some point. I mean, we're only going to know as well as -- the DEC has done a lot of testing or they made Bausch & Lomb's private environmental people do all of the testing for 15 years. And all this property, down here, is lower. This is generally lower. So it -- so there really wasn't a lot of thought that typically -- it travels through the groundwater and the groundwater doesn't travel uphill. These properties are all higher. So it was very unlikely to begin with that there was even any contamination traveling through the groundwater up into this site because it doesn't go uphill. But they tested it anyway. That's all we can go by, is what the DEC has given us.

MATT EMENS: So the mention of the three remaining wells, could you approximately

point out where they are? You said they're in the right-of-way. I'm a little confused where that is.

MR. WINANS: I think they're just -- like right through here (indicating).

MR. RICH BATTISTI: Yes. And there -- I can get you the exact locations, but they would be between the gutter and the sidewalk.

MATT EMENS: There is only three remaining and they will still continue testing those for how much long longer? Or is that in the report?

MR. RICH BATTISTI: That would be in the report.

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

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

JOHN HELLABY: This pollution thing is throwing an awful twist to this. I'm of the mindset, to be honest with you, that I agree with Dave (Cross). I would like to see all these reports and find out to what extent the problem is out there. In all honesty, I would like to move to table this application. You guys have been 20 years -- 20 years on the shelf with this plus. I don't think another month will hurt you until we can get our arms around this issue.

I -- and again, I got to agree with them. If there is carcinogens and stuff involved, I don't know to what point it has been mitigated and what has been done, but I sure would like to know before I move forward with it.

JOHN NOWICKI: I'll second it.

ERIC STOWE: Is that with the -- is the applicant consenting to that tabling?

MR. RICH BATTISTI: Yes. We can table it until we can get the information.

JOHN HELLABY: Until you can get us all of the information. Again, assuming you can get it in our hands, we can get you right back on next month's agenda.

MR. WINANS: I'm sure you're going to be like us, not understanding all of the technical -- but we read the conclusion and read the stuff.

JOHN HELLABY: If you can give us the reports and if there is some jargon in that report that you know we're not going to understand, if you can give us a synopsis what it is they're trying to tell us and bring it down to the average guy's level so we can digest it.

ERIC STOWE: Also contact information for DEC.

MR. RICH BATTISTI: Yes. I can -- I will get all of that to Bob (Winans) and get it to the Board. But I can assure you we wouldn't be moving forward if we didn't feel confident.

JOHN HELLABY: I appreciate that. But I think 20 years, another month won't kill you.

MR. WINANS: Another thing I did get was verbal okay from the Monroe County Department of Health, too. I talked to the environmental people over there after our meeting with the DEC a few years ago and they said, "You're good to go."

So that made me feel better, too.

JOHN HELLABY: Well, that's -- that is good to know. If you have that documentation, it will ease everybody's mind.

There is a motion on the table and seconding --

ERIC STOWE: Just so we're clear, that is an explicit consent to the tabling and being postponed?

MR. RICH BATTISTI: Yes.

DAVID CROSS: I make a motion to table.

JOHN NOWICKI: I second it.

JOHN HELLABY: So we go to the vote.

DECISION: Unanimously tabled by a vote of 6 yes to table the above described application to the July 12, 2016 meeting for the following reason:

1. Applicant to submit copies of all documentation from the Department of Environmental Conservation and Bausch & Lomb that pertains to the soil and groundwater contamination on this property for the Planning Board's review.

JOHN HELLABY: Approval of the meeting minutes from May 10th?

DAVID CROSS: Moved.

JOHN NOWICKI: Second.

The Board was unanimously in favor of the motion to approve the 5/10/16 meeting minutes.

The meeting ended at 9:20 p.m.