

CHILI PLANNING BOARD  
April 9, 2024

A meeting of the Chili Planning Board was held on April 9, 2024 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Joseph Defendis, Matt Emens, Glenn Hyde and Chairperson Michael Nyhan.

ALSO PRESENT: Matthew Piston, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

Chairperson Michael Nyhan declared this to be a legally constituted meeting of the Chili Planning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

**PUBLIC HEARINGS:**

1. Application of King Park 2022, LLC, P.O. Box 170, North Chili, NY 14514; Andrew Viera, P.O. Box 170, North Chili, New York 14514, owner; for final site plan approval for Phase 1 of a three-phase project (as noted on Site plan consisting of two 12,000 square foot buildings, parking areas, and associated infrastructure) at the property located at 30 King Road. LI.

Bob Winans was present to represent the application.

MR. WINANS: Good evening. So I'm back. We were here before -- and actually, Andrew (Viera) couldn't make it tonight. Him and his wife just had a baby three days ago. It's the third child and I told him to stay home and enjoy the family, which didn't take much.

Anyway, so we were here in December and we received the preliminary overall approval for this flex space project along with our special permit for a similar use to the zoning that is allowed. And we also received a SEQR determination as an Unlisted Action.

So we're here for final approval for Phase 1, which is just two buildings on the northern side, which I think we talked about last time. This is going to be the building that Andrew (Viera) and Rochester Earth is going to be in. That's his building.

So that is going to be the first phase. That will require us to put all of the sanitary sewer in, the pump station, the entrance road, the water service, the backflow. We'll have to put in all of the stormwater control devices, get everything set up. But at least this will get us off the ground. And we have already submitted to the Health Department, Water Authority, Pure Waters and we received their okay to submit to them -- or for mylars.

We also have the County DOT set to go to receive our paperwork for the permit. A few other administrative items we have to give them prior to getting a permit.

So I did receive comments from the Town Engineer and I believe for the majority of them, they're technical comments which we can address fairly easily with just some additional detail on the plans and finishing that up prior to submitting any mylars or anything for final approval.

We have received the initial okay from CSX for the permit required. What we have to do is encase the forced main in an 8-inch steel casing under the railroad. So we'll have to bore and jack that and put that in before we put the forced main. So we're just finishing that up.

I guess the other thing I want to point out -- I came up with Mike (Hanscom)'s letter, too, is as far as the areas -- we talked about that last time, as far as designating areas for our storage.

So what I did was we called out a stone area in the back that we didn't need for parking. All of the parking will be on the asphalt. But we have a stone area which we're going to use for storage of equipment, some materials -- temporary storage of materials. And -- and I think Andrew (Viera) had mentioned that before that they may need to store some of his vehicles back there temporarily when they're not using certain pieces of equipment.

It came up in Mike (Hanscom)'s letter about storing soil, stone, things that may leech into the stormwater area and I just wanted to say that we could put barriers back there if we do end up doing something like that and I could note that on the plans.

What we have done before is install -- take those precast concrete barriers and they can carry them back there and just, you know, stack those along the edge there to make sure nothing runs into the stormwater pond.

So yeah. So we'll get the entrance in, a gated -- a lockbox entrance so that only the tenants can go in there. And we'll be open to the -- well, the lock will be available to the Fire Department obviously and emergency vehicles.

And I guess that's it. If you have any other questions --

MICHAEL NYHAN: The major -- the major issue was your sanitary sewer by the railroad.

MR. WINANS: What was that?

MICHAEL NYHAN: I think the major concern was the sanitary sewer and the storage

facility. You have addressed all that.

MR. WINANS: Yep.

MICHAEL NYHAN: And the Engineer will approve whatever method -- in the Building Department -- that will be appropriate to protect that area from leeching in, the stone -- whatever the material is pushed in there when they're loading it.

MR. WINANS: So I think we can guard against that. We can make a note to make sure that he doesn't -- that that is not an issue.

MICHAEL NYHAN: Okay.

JOSEPH DEFENDIS: Once you complete the first building and haven't done the rest, you have no intention of using the -- the whole site as a storage area for --

MR. WINANS: What is the first building going to be used --

JOSEPH DEFENDIS: No. No. You built the first building, but the other ones aren't built. That site is just going to stay empty? You might have minor storage, but we're not going to see piles of stone, piles of soil --

MR. WINANS: All over the site?

JOSEPH DEFENDIS: On the rest of the site.

MR. WINANS: No.

He definitely would like to clear it -- or clear it. Get it prepared, possibly, and just to follow with the overall grading in case he needs to cut or fill. But at this point, there would not be anything over there.

JOSEPH DEFENDIS: You're going to do the entire site infrastructure right up front?

MR. WINANS: No.

JOSEPH DEFENDIS: Just the grading --

MR. WINANS: Just the first phase. Just to get in the first driveway and get over to his building.

JOSEPH DEFENDIS: Okay. All set.

MATT EMENS: So, Bob (Winans), are we -- going back to this outdoor storage of materials -- are we going to enclose the areas, like the bunkers that --

MR. WINANS: Where the stone and soil may be?

MATT EMENS: Yeah.

MR. WINANS: Well, what we can do -- and we have done this before -- we put the precast barriers along the back edge of the parking lot. We could segregate it off, divide them also.

MATT EMENS: I guess that's just the way I typically see it, but the biggest thing is addressing the concern of the Town Engineer and getting a barrier across the back. If the owner decides to build up the bunker and separate them, that's his own choice.

MR. WINANS: To make sure it doesn't leech over.

MATT EMENS: I would say that as a condition we want to make sure there is barriers in place for the storage of materials to keep that separated physically from the -- that area.

DAVID CROSS: Bob (Winans), quick question. You're not proposing any landscaping along King Road it doesn't look like. Are you leaving existing vegetation there? Is that right?

MR. WINANS: As far as along the front area?

DAVID CROSS: Yeah. The frontage.

MR. WINANS: That was our intent. At this point, we're going to have to be putting some bio retention areas along here.

DAVID CROSS: I see that. Put those in, but in between those bio retention areas and the asphalt on King Road, that is all just existing vegetation; right?

MR. WINANS: Right.

DAVID CROSS: That's pretty well screened.

MR. WINANS: That was the intent.

DAVID CROSS: Thank you.

PAUL WANZENRIED: In a correspondence with you and CSX, how deep is that boring going to be?

MR. WINANS: 6 feet.

PAUL WANZENRIED: That's what they -- that's what the letter allowed you to do? Or will allow you to do, 6 feet on an 8-inch? You're putting an 8 --

MR. WINANS: You only have to be 5 1/2, 6 feet for the 8-inch steel. The 8-inch.

PAUL WANZENRIED: Okay.

MR. WINANS: I know we had -- one time we talked about the drilling might have to be really deep.

PAUL WANZENRIED: Yeah. It was about 25 -- somewhere between 25 and 40.

MR. WINANS: Yes. But with the steel casing, we can bring it up.

PAUL WANZENRIED: You can bring it up. Okay.

But you still don't have the correspondence from that, the final letter from them approving that?

MR. WINANS: No. I sent them -- after -- I forwarded you the email.

PAUL WANZENRIED: Yep.

MR. WINANS: I finally got ahold and talked to somebody, a real person and he was good and explained to me what they needed. So I emailed back and forth and got it worked out in exactly the type of steel casing, the size and everything and that -- the thickness and all that good stuff. So I revised their plans.

We have to have it in a special -- 11 by 17 plans, in their format. So I updated our plans

and sent those back to him, you know, probably when I sent that to you a few weeks ago. I haven't followed up to see if they're -- you know, if they're finalized on it, yet.

PAUL WANZENRIED: We'll want to have that prior to the signatures on the mylars, Bob (Winans). Okay?

MR. WINANS: Yep.

PAUL WANZENRIED: And then who takes responsibility for the forced main coming out of the property? Is the Department of Health doing that? There was some discussion between DOT and Department of Health, who was taking control of that.

MR. WINANS: Right. So it's going to be private, but the County Department of Transportation will allow it in their right-of-way as long as we provide a contract proposal from a firm that will stake it and be part of the Dig Safe Program, which I have talked to a couple firms and -- well, we have a couple proposals actually.

And they would be responsible -- if there was ever an emergency or they need a stake-out, that they would stake it out for us. So...

PAUL WANZENRIED: Okay.

MR. WINANS: And we have to guarantee the County that that will happen.

PAUL WANZENRIED: We would like to be privy to correspondence with -- us, too? Okay?

MR. WINANS: Yep.

PAUL WANZENRIED: Thank you.

MICHAEL NYHAN: Anything else, Paul (Wanzenried)?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: SEQR was already completed for this project. So we'll move to conditions.

Go ahead.

DAVID CROSS: The Conservation Board minutes -- it's a little confusing. He just answered the questions on the landscape plan, but it looks like they still have a couple outstanding items there.

MICHAEL NYHAN: Right. I was going to mention you have to provide the total cost of the project, and 1 percent of the total cost needs to be in landscaping.

MR. WINANS: Right. Right.

MICHAEL NYHAN: So you will be providing a plan that shows the total cost of the project and that 1 percent?

MR. WINANS: Yes.

MICHAEL NYHAN: Okay. We'll need to have that. That will be one of the conditions.

You started talking about landscaping along the road. Wherever you may put it, it is 1 percent of the total project will be landscaped.

MR. WINANS: We were struggling with it obviously because this is an industrial flex plan site so we weren't going crazy with the landscaping.

And plus, we were trying to preserve so much along the edges. But I think now especially in the front we'll be able to add more.

MICHAEL NYHAN: Is there a lot of bio growth in there? Maybe you can remove -- some of that is screening and replace it with something that would be more appropriate screening year round, not just in the summer months?

MR. WINANS: Yeah. We do that.

MICHAEL NYHAN: That is a good spot. Because if you screen the entire parcel, you don't have to worry about a lot of landscaping on the inside of your parcel. Because it doesn't look like you have that much room other than the center median there for landscaping because everything else is stone or asphalt.

But you could submit that plan to the Town and then -- to be sure it is 1 percent and then you all have to follow --

MR. WINANS: We have to put together the full letter of credit also anyway, so we can do it at the same time.

MICHAEL NYHAN: Okay. Any other discussion or comments?

Application of King Park 2022, LLC, P.O. Box 170, North Chili, NY 14514; Andrew Viera, P.O. Box 170, North Chili, New York 14514, owner; for final site plan approval for Phase 1 of a three-phase project (as noted on site plan consisting of two 12,000 square foot buildings, parking areas, and associated infrastructure) at the property located at 30 King Road in the LI District.

I'll repeat all that were on before and any additional that have come up since then.

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

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

All previous conditions imposed by this Board shall still be pertinent -- still pertinent to the

application remain in effect.

Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval and the filing information; i.e., liber and page number shall be noted on the mylars.

Prior to the issuance of a Certificate of Occupancy all easements are to be filed and recorded with Monroe County -- with Monroe County and filed and recorded and acknowledged by the Town of Chili Town Clerk.

Applicant shall provide landscaping equivalent to 1 percent of the total project cost.

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

Building permit shall not be issued prior to the applicant complying with all conditions.

Application is subject to all required permits, inspections and code compliance regulations.

No storage of noxious materials.

Delineate the location of outside storage of materials.

No outside major vehicle repair other than maintenance-type activity.

No storage or disposal of construction debris on-site.

Outside storage of construction materials will not exceed 12 feet in height.

Property not to be used for production or reclamation activity.

No screening, sifting, sieving or processing of imported materials to be -- shall be conducted on-site.

Storage of materials on-site limited to active leased suites and only to those areas designated on the site plan submitted for approval.

No storage of materials in additional phases while waiting for the development of those phases. So you can't -- we mentioned that earlier, storing them in Phases 2 and 3.

Appropriate barriers in place to address engineering concerns of storage of materials entering into the bio retention areas.

Any other conditions that I may have missed?

So for that application with these conditions, do I have a second?

MATT EMENS: Second.

DECISION: Unanimously approved by a vote of 6 yes 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 must 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.
5. Prior to the issuance of a Certificate of Occupancy, all easements are to be filed and recorded with Monroe County and filed, recorded, and acknowledged by the Town of Chili Clerk.
6. Applicant shall provide landscaping equivalent to 1% of the total project cost.
7. 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.
8. Building permits shall not be issued prior to applicant complying with all conditions.
9. Application is subject to all required permits, inspections, and code compliance regulations.
10. No storage of noxious materials.
11. Delineate the location of outside storage of materials.
12. No outside major vehicle repairs other than maintenance type activity.
13. No storage or disposal of construction debris onsite.

14. Outside storage of construction materials will not exceed 12 feet in height.
  15. Property not to be used for production or reclamation activities.
  16. No screening, sifting, sieving, or processing of imported material shall be conducted on the site.
  17. Storage of materials onsite limited to active leased suites and to only those areas designated on the site plan submitted for approval.
  18. No storage of materials in additional phases while waiting for development of those phases.
  19. Appropriate barriers in place to address engineer concerns of stored materials entering the bioretention areas.
2. Application of Vista Villas Holdings, LLC c/o Bill Howard, 3313 Chili Avenue, Rochester, New York 14624, applicant/owner; for preliminary subdivision approval of 47 lots to be known as Vista Villas Phase 2 at the property located at 100 Club House Drive. PRD District.
  3. Application of Vista Villas Holdings, LLC c/o Bill Howard, 3313 Chili Avenue, Rochester, New York 14624, applicant/owner; for preliminary site plan approval to erect 47 single-family dwellings (Vista Villas Phase 2) at the property located at 100 Club House Drive. PRD District.

Peter Vars, Robert Marks, Fred Shelley and Bill Howard were present to represent the applications.

MR. VARS: Good evening. My name is Peter Vars from BME Associates appearing tonight on behalf of Vista Villas Holdings.

With me is Mr. Bill Howard of Vista Villas Holdings; Robert Marks, his Counsel; and Fred Shelley who is our project Design Team leader at BME.

We were last here back on March 12th to initiate the Public Hearings on the applications that are before you, to discuss the project in great detail.

Since that time, I just want to update you on the progress we have made over the past month.

We did provide written responses to the Town Engineer's comments. They issued their initial comments back on March 8th. We provided written responses back to those last week. We have had further conversations with the Commissioner of Public Works on a variety of items contained in that letter to the point that we have basically achieved what we believe is consensus that what really is remaining is technical items that we feel comfortable being able to address.

I do want to acknowledge we did receive the most recent letter from the Town Engineer last week, the April 4th letter. That contained his comments on the Storm Water Pollution Prevention Plan design, the SWPPP. We don't see anything in there as -- as anything prohibitive to being able to address or anything that really changes the nature of the design.

Probably one of the biggest items or probably the biggest item that we were sent away with to work on since last month was the traffic study.

So we did commission to have a traffic study prepared. It was prepared by Passero Associates with SRF Associates who is now part of Passero. That -- the scope of that study we determined based on input we had received from this Board back on the 12th of March but also in subsequent conversations, joint conversations with the Commissioners of Public -- the Commissioner of Public Works, the New York State DOT and the Monroe County DOT.

Such that the scope was established that we would analyze five intersections. I will start north to south.

We would study the Archer Road/Paul Road intersection, which is under the jurisdiction of Monroe County.

We would study the Archer Road/Beaver Road intersection, which is under the jurisdiction of the New York State Department of Transportation.

Then we would study three intersections along Archer Road, which are under the jurisdiction of the Town of Chili. One being Beaver Road Extension. One being the existing subdivision street of Vista Villas, Prestwick Lane. And then the third intersection being the proposed intersection of Vista Villas Drive.

This report consisted of accumulating, obtaining current traffic counts along -- at all of those intersections. Those were done on March 21st of this year and they were actually supplemented by other traffic count data that SRF/Passero had accumulated back in October of 2022. So they had certain data that they were able to compare.

Also importantly, per discussions we had received with you and subsequent conversations with the Commissioner of Public Works -- is we also accounted for full build-out of certain developments within the area that maybe are not fully built out today but we are able to project that traffic and enter it into the background traffic. That included the Rose Hill Subdivision, the

mixed-use project approved for 751 Paul Road and the project known as the 177 Archer Road Mill House Park. So those uses were accounted for in the background traffic also.

We did the trip generations for the proposed full 175 lots of the Sections 2 through 6. So this was not just done for Phase 2. It was done for the full build-out of the proposed development.

Trip distribution was applied to the surrounding highway network based upon the existing distribution, which is basically 65 percent of the traffic northbound, 35 percent of the traffic southbound.

The analysis revealed that all of the intersections studied would continue to operate at a level of service of C or better. C being identified by the County and the State as being a satisfactory level of service.

But more importantly, what the analysis showed was that with the full build-out of this project, there would be no degradation in the level of service from the current levels of service at those intersections. That is all documented in the report.

The report has been provided to the Town, to the County and to the State for their review.

The report did not identify the need for any mitigation or improvements at any of these subject intersections. Again, given the satisfactory level of service.

A couple of other things. They did analyze the sight distance at the proposed intersection. It found that the proposed intersection, both looking to the north and looking to the south, meets and -- and actually exceed -- exceeds the required stopping sight distance.

The desired intersection sight distance, it meets that to the south. It is short to the north by about 20 feet. The recommendation on that following the standards of both the County and the State is that an intersection warning sign would be posted. That is the only mitigation that is recommended at that -- at that location because again, we do meet the required sight distance requirement, which is the stopping sight distance.

In summary, what the traffic study found was that it -- based on the analysis, it found that the results showed that -- that there will not be any potential for significant adverse environmental impact for the purpose of the environmental review as it relates to SEQR.

So that comprehensive traffic study has been completed. It's been provided. The results of it show that there would be no change in services at the -- at the subject intersection. So we believed that was the main technical component of this application and then I think the other item we kind of had before us is really -- for lack of a better way to put it -- how do we proceed? Because there was some question as it relates to where we are today versus where the project was in 2015, what approvals were granted in 2015 for Phase 2 -- Phases 2 through 6, SEQR; Phase 2, SEQR 3 through 6. I know Counsel and staff are going to be looking at that.

I believe we have a level of comfort in the fact that we do know we need subdivision approval for Phase 2 and we do need site plan approval for Phase 2. I think the question was how does this relate to the future sections.

I believe it was established -- subdivision approval is established for Phase -- the remaining Phases 3 through 6, but I think the question mark was as it relates to site plan for 3 through 6. So I think that is one thing we do have to hopefully get clarification for this evening.

But I think more importantly, I do believe we have addressed the concerns as it relates to Phase 2, the 47 lots as it relates to subdivision and site plan, so that hopefully we can move forward with that. But knowing we still may have the question as to site plan for the remaining phases.

With that, I don't know, Robert (Marks), if you have anything to add? Or if we can answer any questions? Or proceed with the hearing as you see fit?

MICHAEL NYHAN: Did you have anything to add?

MR. MARKS: I don't have anything to add.

I don't know if, Matt (Piston), or Paul (Wanzenried), if you have given an update from your findings this past month to the Planning Board?

PAUL WANZENRIED: It would appear that subdivision approvals have been given and that subdivisions were equated with site plans. So you have site -- you have a subdivision approval. In any -- any housing tract, residential tract that we have ever done, it has always been subdivision approvals and subdivision equates to site plan in that genre, if you will.

So that's how -- in this case, they got a subdivision approval, site plan approval for Phase 1 when it was -- back with the Links. They started the project, built a few houses. It sat forever.

And then they came back through -- modified the PRD through the Board, as they were supposed to, to dissolve the HOA and the golf course and the clubhouse.

That was completed and subsequently the lands were -- where there was golf areas -- were either reinstated into existing lands in the Phase 1 or put back into the overall project, if you will. There is that area that you're trying to develop now, Phase 2. That was put back in the overall project.

Another developer came on Board and he developed or presented Phases 2 through 6. He got preliminary subdivision approval for those and that's pretty much where we stand right now.

So -- and I believe SEQR was done for 3 -- 2 through 6 on preliminary subdivision approval. So that's where we are right now.

MICHAEL NYHAN: Okay. Thank you.

MR. MARKS: So our position is whatever we need to do, we want to -- we want to go forward and do.

But is it my understanding you're saying subdivision approvals equate to site plans?

PAUL WANZENRIED: That's what the Town -- that's been the past practice of the Town.

Subdivision plats.

MR. MARKS: So -- so that means we don't need site plan approval for -- because we are getting subdivision approval?

PAUL WANZENRIED: They're morphed together. I don't know the legal term for that. I don't know the legal term of it.

MATTHEW PISTON: I think because a site plan approval was on the agenda, we could perhaps take care of it with one vote.

MR. MARKS: We have both applications pending. Again, whatever we need to get, we want to get. Obviously, we have tried to get ahead of the curve and answer all of the questions from last month so there were no concerns moving forward, even if we have to go through more processes. I don't have anything further to add. However you want to proceed, we can answer questions.

MICHAEL NYHAN: Okay. Thank you.

The Public Hearing remained open so the Public Hearing is open. If there is anybody that would like to make additional comments on this application?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BRAD WHITE, 268 Archer Road

MR. WHITE: My name is Brad White. 268 Archer Road. Just maybe a little clarification on subdivision equating to site plan approval.

Is that the standard practice in most towns?

MICHAEL NYHAN: It's -- it's -- yes. It's part of the Town Law. I don't know what other Towns do. I know what we do in our Town.

MR. WHITE: Okay. So we were just looking for clarity on that. I think other than that, other questions we asked have mostly been answered that I had. Thank you.

JAMES VIELE, 256 Archer Road

MR. VIELE: I'm James Viele, 256 Archer Road, recent resident. My concerns would be -- from what I heard was they're looking to do the most minimum possible as far as the traffic and in some cases just a small warning sign.

I live in an area where it is a blind spot. To say that the area would not be overrun by 175 houses -- let's say those are all single families. They produce one vehicle. Everybody carpools. It is 175 more residents right in our area using that pathway.

As well as the drainage. They're looking to build up high. We have septic systems over there. There is some concern of the quality of the water, of the pure water clean-outs as well as the sanitary.

And then what about us residents that are there?

MIKE DIVITO, 2 Black Cedar Drive

MR. DIVITO: Hi. I just kind of jumped in on this. So -- this has already been covered, I apologize. I just wanted to ask --

PAUL WANZENRIED: Your name? Your name?

MR. DIVITO: Mike Divito. Mike Divito. D-I-V-I-T-O. I'm at 2 Black Cedar Drive. Okay. The size of the lots themselves, 147, are we talking third of an acre? Half-acre? What -- what will that look like?

MICHAEL NYHAN: I don't have the dimension in front of me. There is a minimum and maximum dimension which each of the lots --

MR. DIVITO: I'm sorry?

MICHAEL NYHAN: There's a minimum and a maximum size for each lot which has been accomplished through the PRD that was approved by the Town Board.

MR. DIVITO: So that has been approved?

MICHAEL NYHAN: Correct. I don't have the exact square footage.

MR. VARS: What was established was a minimum lot size of 10,000 square feet, maximum lot size of 20,000 square feet. So the lots could range anywhere from a quarter of an acre to a half-acre.

MICHAEL NYHAN: Thank you.

MR. DIVITO: Quarter of an acre to a half-acre?

MICHAEL NYHAN: Correct.

MR. DIVITO: I was in development for 38 years and had a third of an acre and a lot has changed in that 50-year period in terms of families, how they live their lives and so on. I'm talking about campers, boats, other -- Jet Skis. You know the drill in terms of what happens.

And then if it is a one-car garage, you're already dead in the water. Two-car garage, that doesn't even begin to help. Not today with the somewhat affluence that we have and that we enjoy.

So I'm concerned about the subdivision starting out very beautiful and very nice and then over the lifespan of that development, it becomes very, very untenable for -- for families. And there are -- then there are issues. Especially if the families begin to disagree with neighbors and so on and have problems.

So I think that is -- the other one, sidewalks, streetlighting.

Are they in there? This is where people are going to live.

MICHAEL NYHAN: Right.

MR. VARS: Yeah. So sidewalks, yes. Sidewalks are -- are being provided as required. There is no streetlights proposed. Houses will be outfitted with post lamps.

MICHAEL NYHAN: Thank you.

DAVID CROSS: Street trees --

MR. VARS: Oh, no. There are streetlights. Sorry. I apologize.

DAVID CROSS: Do you have street trees, as well?

MR. VARS: Yes. Correct. Yes. Sidewalks, street trees, streetlights.

MR. DIVITO: I chuckle a bit because you said lamplights for the residents. During the years of Jimmy Carter, nobody had those damn things on. It was black.

But my concern is you get kids like on Halloween and so on, they're walking in the streets, bunches of them and there is always a chance for a terrible tragedy. So I'm glad to hear streetlight -- I'm glad you guys followed through on that one.

Other than that -- big one for me really is knowing where do you put the camper? Where do you put the boat? What are people doing -- is there enough room? Do they have two-car garages? Do they have three-car garages? That -- that becomes an issue between neighbors and a potential problem. Instead of saying "We love this development. We're all good neighbors. We're friends" -- it turns into an East Bank and a West Bank. Okay. Thank you.

MICHAEL NYHAN: Thank you.

BARB DENIGRIS, 254 Archer Road

MS. DENIGRIS: Hi. Barb Denigris, 254 Archer Road, directly south of the development.

There were two main concerns that we brought up last month and I don't see where either one has been really considered. The first one is the traffic. That is a Town road, three-ton limit -- four-ton limit and we get Casella trucks. We get 18-wheelers coming down there. Nothing goes 30 miles an hour. It's always far more than 30 miles an hour.

That makes it very difficult for my driveway at 254. James (Viele) is right next door to me. The house next door to him, pulling out into traffic.

The intersection -- from what I understand, back when we did the -- some of the Committee work that we did in this Town many years ago, it was pointed out that it was very important to the Highway Department that you have a crossroads, which is what they supplied at Rose Hill. That's a crossroad and they also put a turning lane in there because -- because you weren't able to see around that corner. That's a State road.

This road, that would not be possible, to have a crossroad coming out of Vista Villas and coming across from Beaver Road Extension. That is an accident waiting to happen. Nobody -- I don't care if you put a big neon sign saying that there is a cross -- there is an intersection coming up. Nobody pays attention to that.

I think -- I don't know what the Highway Department and their assessment is, but they're not looking at reality. If they were considering the fact that it's a 30-mile-per-hour speed limit, then they're way off course. That is not a safe place.

And I think you have to have some kind of an exit road coming out of that if you have so many developments. You can't -- houses. You can't use just Pickwick -- I think -- I haven't actually learned the name of that road, even though it has been there for years. You have to have an entrance for so many houses coming out of another way.

That is -- that is just not going to work. Those -- and especially when -- I wish we had the -- the plan up here again. It would have been helpful to all of us.

If you're coming across Beaver Road Extension, Archer Road is coming down here (indicating). There is going to be people that are going to try to cut through, as they do on Beaver Road Extension -- they try to beat the light, so they come across Beaver Road Extension, which used to be just a little dirt road. Now it is widened.

People come out there. They look, as best they can up to toward the railroad tracks, north on Archer to see if they can pull out this way. Pull south on Archer Road.

If they're trying to get into Vista Villas by turning left into Vista Villas, they're going to be stopped by traffic coming up from the stop sign -- the traffic light. Which means you're going to have a traffic jam. It's not going to work. Especially at 5 o'clock in the afternoon. The 5 o'clock traffic actually starts around 3:30 in the afternoon and it doesn't finish until about 6.

And if there is a train that goes across that crossing, it will -- the traffic can be backed up all of the way to the crest of the hill.

The important thing is that there is a crest on that road. It's not flat. And I know I have come out Beaver Road Extension and not been able to see all of the way to the railroad tracks without pulling way out toward Archer to make sure I could peek around maybe garbage pails that are there, whatever.

So I'm very concerned about the traffic and the fact that it is a four-ton limit and that is a Town road and we're eventually going to have to pay to keep that road maintained. The Town is.

I also spoke with the Biesenbachs. I don't think he will mind my using his name. He is another person that has lived on Archer Road for 50 years at least. His mother has beyond that. And he is below -- south of the -- the Phase 1, which has been there for several years.

There is two mitigation ponds that have been put in there and neither one helps Doug (Biesenbach) with his soggy backyard.

There was a willow tree that was left up between Doug (Biesenbach)'s backyard and the houses along Vista Villa. And the willow tree went down five years ago, was never cut up, never removed and his backyard has been soggy ever since. We know what willow trees are like. We



have a lot of them in Chili because Chili is a very wet Town. We know that.

So it is going to affect the traffic and the drainage, which is my next question -- my next concern.

It's going to affect not only the four or five houses that are right here below this curvature of development, but it's going to affect all those people up that way, too.

Let's see. The -- the -- the drainage part is what concerns me a lot also because my backyard has been wet ever since I moved in in 1974.

I had -- as part of the house, there was a barn in the back and the barn still is there, a cement brick, concrete brick barn. And it is now falling apart because -- it can't be insured because all of the bricks that are shifting because of all of the water that has come down there. I have learned to live with it. I have had horses there. I have had -- in the pasture, which extends down south of the property line and -- you just know that it is very wet and soggy and it won't dry out until maybe May.

So I'm concerned about the leech lines and septic lines that we all have along there.

I'm also concerned about the houses that are being built there. They don't understand drainage. They have probably come from no place that has any drainage problem. And a lot of us had to have our basements fixed so that the groundwater could be redirected, re-diverted down to the road drainage pipe and that kind of stuff presses against the basement walls of any house.

So I don't know how many septic -- sump pumps they would have to have. I have one and it is running constantly, except maybe in a very hot, dry summer. And I know it is the same for my house -- on either side. The house north to me always has a wet backyard. There is a very serious drainage problem there.

Now, maybe the people up here could explain to some people who may not know -- because it was outlined to me earlier this afternoon what a mitigation pond is. What a swale is.

And as far as I can see, it all depends on gravity. And I don't know why they chose to put those houses smack dab against the property lines of those of us who have a backyard that reaches out -- why they couldn't put the houses back up on top of that hill where there is a crest and finish what Prestwick Road is.

The -- there -- there was a gentleman here last month who lives there, end of that and he said all they do is just put boulders there. He doesn't understand why they don't continue the road. So that it could be continued up here (indicating) instead of right smack dab where it is basically wet.

If any of you came and walked back there, you would have to have boots on. It's wet.

So that's not going to help anybody who is living there or certainly not going to help us who have been living there for years. And I have said it many times in front of this Board and the -- the Town Board, that my impression of the Board is that it's there to protect the people who already live there. And I would like to know that my backyard isn't going to be flooded.

And I think that's about it. Thank you.

RACHEL HARRISON,

MS. HARRISON: Rachel Harrison. I have two questions. I was looking to see if there is -- to clarify. There is not going to be a new environmental impact study?

MICHAEL NYHAN: There is. We'll be discussing that later.

MS. HARRISON: And then will the traffic study be made public at all? I didn't see it in the supporting documents.

MICHAEL NYHAN: It is on the Town website as of today. I don't know when it was put there, but it is on there.

MS. HARRISON: Okay. Thank you.

STEPHEN TARBELL, 29 Prestwick Lane

MR. TARBELL: Stephen Tarbell, 29 Prestwick Lane.

I'm just curious in understanding -- when I originally purchased the -- my lot on Prestwick Lane, a couple options were to go to Country Club or on Prestwick Lane. And what they said -- the houses on Prestwick Lane is probably a good one because no one is ever going to build behind you because it's too wet back there.

And -- but I always figured that they would eventually -- I asked, "Well, what is Phase 2?"

And Phase 2, I was told, was going to be across the road from me. So I did inquiry at the time. I think his name was Mr. Pooler. I made a phone call then and asked about if he had any information, about if he knew when Phase 2 was. And it was probably going to be a few years down the road. So I made the decision to get the lot on -- on Prestwick Lane.

And I was just curious, how did -- how did Phase 2 get changed from across the road from me to where it is going to be behind me? And -- that's all I really want to know.

MICHAEL NYHAN: Okay. Sure. Be glad to answer that.

Michael Nyhan made a motion to close the Public Hearing portion of this application, and Matt Emens seconded the motion. The Board unanimously approved the motion.

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

MICHAEL NYHAN: A couple things, Peter (Vars), if you could address. So -- so first, the -- the change to the -- to the project came nine years ago -- I believe it was -- when the developer went to the Town Board and requested a change to PRD which changed Phases 2 through 6, eliminated a golf course -- I think behind Prestwick was a hole -- a golf hole.

MR. VARS: Correct.

MICHAEL NYHAN: That got changed from a golf hole to Phase 2, which is now homes. That was all approved nine years ago.

So that, sir, is how that got changed, was through an application process, approximately nine --

MR. VARS: 2015.

MICHAEL NYHAN: 2015. So...

And that is Phase 2 through 6, which is the 174 homes that was approved from a preliminary subdivision.

MR. VARS: Correct.

MICHAEL NYHAN: If you could, I know that no water is allowed to drain off the yards that you're proposing into any other yard. I know you have a swale.

I wish you had your drawings here.

MR. VARS: I do. I could hang it up.

MICHAEL NYHAN: Could you please do that and show where there will be a swale to prevent water from Prestwick and the homes you're building as well as any runoff from whatever the name of the new street will be and the cul-de-sac and any lot that is on Archer Road?

MR. VARS: So -- so from the drainage standpoint, there is a high point here (indicating). And -- so the drainage does want to drain east to west. It does drain towards Archer Road.

What this design does to address that drainage condition in the post-construction -- post-development standard is a couple of things.

Primarily, the big thing it does with the extension -- we will connect back to -- make a connection to Prestwick Lane. Extend that. Construct a new street, Vista Villas Drive, which will come out onto Archer Road, a couple hundred feet south of Beaver Road Extension. So there is a second means of access being provided into this subdivision.

But what this development does is because of the street construction, it will include with it an enclosed storm sewer system. Such that runoff that now wants -- now drains east to west into these rear yards will now be intercepted in -- in two primary locations.

The storm sewer system that will be constructed along the proposed cul-de-sac street, that will intercept runoff, collect it from the runoff from the proposed homes plus surface runoff of the lands upstream.

Collected in that storm sewer system, that storm sewer system runs south and will discharge into stormwater management facilities that is proposed in the rear of the southernmost Phase 2 lots where that water will be contained, treated, detained and discharged to Black Creek.

The other thing is -- so we do have lots that are proposed to back up to the existing Archer Road residents. As a requirement through the plan review process, the Public Works Department, staff and even this Board, yourselves, going back to the -- to the 2015 approval that was granted for Phase 2, was the requirement that a swale be constructed along the rear yard of these lots to intercept any backyard drainage that comes off these -- last of these lots, collect that runoff and convey it south to storm sewer structures that will be constructed again to take that runoff, take it south into the stormwater management facility and then discharged to Black Creek.

So what this development does -- the Storm Water Management Plan does, is basically it intercepts the runoff, such it then collects it and sends it south to Black Creek and its associated wetlands. So we are intercepting the runoff.

As you said, Mr. Chairman, it's a requirement of the Town Code that we cannot increase stormwater flow or runoff onto adjacent properties and that's also overseen by the New York State Department of Environmental Conservation as part of their stormwater design manual and stormwater discharge permitting requirements.

And all of that is documented in the engineer's report that has been provided to the Town and has been -- that is what I referenced earlier, that the SWPPP, the Storm Water Pollution Prevention Plan, has been reviewed by your Town Engineer. He had some technical comments on it, but the principles and whatnot he concurs with.

MICHAEL NYHAN: I thought it was important for you to explain it because there was a lot of concern about drainage to the neighbors. That is why I wanted you to explain it. So thank you. Appreciate that.

Any other discussion or comments?

We did talk about the traffic study and they mentioned that was conducted by another independent firm. Your firm did not do that.

If there was any questions on it -- there was a recommendation for the line of sight distance.

MATT EMENS: For the sign.

MICHAEL NYHAN: There was a sign. Which we'll make a condition.

Any other concerns on that traffic study? It looks like it all came back --

MATT EMENS: Yes. I think the disappointing thing to say out loud is that when it comes to the County and the State, a C grade seems fine. And that's unfortunately the State and the County purview. That is the comments they have made. So we don't really have any jurisdiction over that.

I mean we could all write letters and complain to the State and the County that we don't agree with those things, but that's not the purview of the Board.

MR. VARS: I'm sorry to interrupt, but I did want to define -- I would define level of service for you. The fact that -- while C may not be the grade you want to take home to your parents, how they rate this is they -- a level -- a level of service C, for an unsignalized intersection, means the delay during the peak hour.

In other words -- in this area, it is between 7 and 9 a.m. in the morning and 4 and 6 p.m. in the afternoon. During that peak hour, when the volumes on those streets and roads are the highest, that -- a level of service C at an unsignalized intersection means your delay, your wait time will be 15 to 25 seconds.

For a signalized intersection, it means your -- your wait time would be 20 to 35 seconds. Okay?

And in the traffic study they have the tables of all of the various delays there.

And as we're saying, you know, just to -- Beaver Road Extension at Archer Road, the longest delay is in the evening and it's 20 seconds to make a left turn from Beaver Road Extension onto Archer Road.

So it's -- it's context. They consider -- when -- but to kind of address a little bit more of your comment of when does the County or the State get concerned? Typically, that's when they will look at -- when they see delays, what they call E or F. Those delays are when you're starting to approach a minute. 45 seconds or greater at an unsignalized intersection. It is actually over a minute for a signalized intersection. So they do have that criteria.

MATT EMENS: And to be fair, this is where reality and engineering butt heads, right? So the reality is that the engineering is based on the speed limits of the roads that are posted, like the posted speed limits and basically the flow of traffic that is happening through there. Which everyone knows that they're not doing the speed limit.

So I think it seems exacerbated, that we're not really timing it. Right? But to the point of the reality of it -- like going down those roads, it's tough.

But the data that has been provided, based on the engineering and what is there, it doesn't warrant anything else to happen.

MR. VARS: Yeah. I mean -- there is a lot of -- there is a lot of background in how those studies are done. There is basic criteria.

First of all, it is based on actual counts. So it is actual data taken at those intersections. They sit there. They count the cars, who turns left. At this request, it's documented even -- for instance, at Beaver Road Extension, they identified heavy trucks. That was one of the concerns.

So they actually do the physical counts. Then they get the 24-hour counts, the rubber tubes. So this is all real data.

Then they also get the actual signal timing. You know, how -- what are the phases?

There are computer programs that have been created, that have been vetted by all of the necessary, you know, entities, transportation officials that are able to simulate how that traffic flows.

And there -- and that's how they come up with what are acceptable delays. Because -- with any engineering -- our term is there is a safety factor built in, you know, about that.

So -- but you're right. You can post a sign. We use design speeds at 5 -- to -- posted plus 5 miles per hour. But does that account -- and that's typically the 85th percentile speed. And why that number is important -- the 85th percentile basically says -- 85 percent of the cars on this road are traveling at this speed or less.

So do you account for the person that is driving 50, 55? No. But on the other hand, if -- the 85th percentile was there, then you would have to.

So there is a lot put into this. But I kind of appreciate your comment in a way. You're putting trust, I guess, into the transportation officials, the County, the State and even the Town Engineer and Commissioner of Public Works.

But on the other hand, they do have the experience to read this data and understand it and interpret it.

MICHAEL NYHAN: Thanks. Any other discussion on that? There is -- discussion on SEQR. And I know we have spoke of SEQR at the last meeting. There was a discussion whether the SEQR would need to be redone for Phases 2 through 6.

But just some additional information to take into consideration. Phase 2 through 6 received preliminary subdivision, which means when they come back, all they will need is final subdivision, which is the way we do just about any subdivision tract in this Town.

We get full build-out, we do SEQR on the full build-out. SEQR was completed on the full build-out and then with each new phase, we come back for that phase just to review it. And if there aren't any changes, to approve it as it was designed.

This one lapsed because of the time frame when they got final approval. So as a result, Phase 2 needs a new SEQR.

But because of any changes to Phase 3 -- Phases 3 through 6, they would not be able to make any changes on it. If they did, they would have to go in front of the Town Board to review their PRD and then they would have to come back in front of the Planning Board to start over

with their site plan or the subdivision, both preliminary and final.

So with that knowledge -- now one of the things we asked was - the biggest impact for SEQR was a traffic study. That traffic study was done on the full build-out, not just on Phase 2.

So with that, I -- I feel more confident in SEQR with doing it for just Phase 2. Based on the fact that nothing can change on the remaining phases without a complete change in the entire project through the Town Board and the Planning Board.

But we need to vote on whether or not we're going to do that. So I think we should still take that vote.

So I would like to make a motion on SEQR to move forward with SEQR for Phase -- for the Phase 2 application. I would just need a second.

GLENN HYDE: Second. The Board was unanimously in favor of the motion.

Michael Nyhan 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 Glenn Hyde seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: There was some mitigation that was required based on your traffic study, which we'll make a condition of any approval.

So for the conditions for this entire application, Applications 2 and 3, I have approval is subject to final approval of the Town Engineer and the Commissioner of Public Works.

The Town Engineer and the Commissioner of Public Works must be given copies of any correspondence with other approving agencies.

All previous conditions imposed by this Board are -- still pertinent to this application remain in effect, which would be 2015. The conditions from 2015 to protect the current development.

Copies of easements -- 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.

And prior to the issuance of a Certificate of Occupancy all easements are to be filed and recorded with the Monroe County -- with Monroe County and filed, recorded and acknowledged by the Town of Chili Clerk.

Applicant to comply with all pertinent Monroe County Development Review Comments.

Applicant to comply with all required life safety conditions and permits from the Fire Marshal.

The applicant shall provide landscape equivalent to 1 percent of the total project.

The Planning Board affirms the recommendation of the Conservation Board for the landscaping plan and requests that the applicant comply with these recommendations.

And 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.

Building permit shall not be issued prior to the applicant complying with all conditions.

The application is subject to all required permits, inspections, code compliance regulations.

And the developer shall provide a W2-2 traffic sign on Archer Road as recommended and provided in the traffic study. And work with the Town -- in coordination with the Town on the installation.

Any other conditions?

Paul (Wanzenried), any other conditions?

No? Okay.

With those conditions -- let me see. With those conditions, the Application of Vista Villas Holdings, LLC c/o Bill Howard, 3313 Chili Avenue, Rochester, New York 14624, applicant/owner; for preliminary subdivision approval of 47 lots to be known as Vista Villas Phase 2 at the property located at 100 Club House Drive. PRD District.

Application of Vista Villas Holdings, LLC c/o Bill Howard, 3313 Chili Avenue, Rochester, New York 14624, applicant/owner; for preliminary site plan with waiver of final approval to erect 47 single-family dwellings (Vista Villas Phase 2) at the property located at 100 Club House Drive. PRD District.

GLENN HYDE: Second.

DECISION ON APPLICATION #2: Unanimously approved by a vote of 6 yes 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 must 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.
5. Prior to the issuance of a Certificate of Occupancy, all easements are to be filed and recorded with Monroe County and filed, recorded, and acknowledged by the Town of Chili Clerk.
6. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
7. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
8. Applicant shall provide landscaping equivalent to 1% of the total project cost.
9. The Planning Board affirms the recommendations of the Conservation Board for the landscaping plan and requests that the applicant comply with these recommendations.
10. 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.
11. Building permits shall not be issued prior to applicant complying with all conditions.
12. Application is subject to all required permits, inspections, and code compliance regulations.
13. Developer shall provide the W2-2 traffic sign on Archer Rd. As recommended in the provided traffic study and work with the Town on this installation.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 6 yes 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 must 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.
5. Prior to the issuance of a Certificate of Occupancy, all easements are to be filed and recorded with Monroe County and filed, recorded, and acknowledged by the Town of Chili Clerk.
6. Applicant to comply with all pertinent Monroe County Development Review Committee comments.
7. Applicant to comply with all required life safety conditions and permits from the Town Fire Marshal.
8. Applicant shall provide landscaping equivalent to 1% of the total project cost.
9. The Planning Board affirms the recommendations of the Conservation Board for the landscaping plan and requests that the applicant comply with these recommendations.
10. 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.

11. Building permits shall not be issued prior to applicant complying with all conditions.
12. Application is subject to all required permits, inspections, and code compliance regulations.
13. Developer shall provide the W2-2 traffic sign on Archer Rd. As recommended in the provided traffic study and work with the Town on this installation.

MICHAEL NYHAN: I would like to also comment a lot of the comments that were made on the traffic as far as the trucks that are leaving whatever warehouses they leave and drive down Archer Road through the cut-through, as well as the speed, is certainly an enforcement issue and I would encourage you -- the Sheriff's Office works closely with neighbors to control traffic.

So if you would reach out to your local substation to work with them, I'm confident they will work with you to provide not only the traffic-monitoring devices but also traffic enforcement for Archer Road.

Thank you.

Michael Nyhan made a motion to accept and adopt the 3/12/24 Planning Board meeting minutes, and Matt Emens seconded the motion. The vote on the motion was 5 yes with 1 abstention (Glenn Hyde).

The meeting ended at 8:05 p.m.