

A regular meeting of the Town of Victor Planning Board was held on October 11, 2016 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Jack Dianetti, Chairman; Joe Logan, Vice Chairman; Ernie Santoro, Heather Zollo, Al Gallina

OTHERS: Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Katie Evans, Director of Development; Cathy Templar, Secretary; Joe Limbeck, Conservation Board; Claire Noonan, Suellen Bremer, Elizabeth Lee, Bill Connell, Ruth Nellis, Dave Nellis, Gary Hadden, Eric Heller, Dale Reed, Lou Behan, Ed Povero, James Kuchinick, Peter Vars, Linc Swedrock, Bob Cantwell, Amy Dake, Rich LeFrois, Steve Barone, Tracy Barone, Meg Chaides, Norma Halbleib, Cheryl Jones-Richter, Allen Ibrsimovic, Matthew Hendricks, Rick & Pamela Allen, Jeff Knapp, John Knapp, Donna Rugg, Barbara Boys, Gordon Robins, David Nankin, Kevin Esparza, Tom Hooker, Brian Chappel, Jim Bold, Patrick Liberti, Mercedes Marray, Eldon White, M. Senges, Bill Mendick, Ralph Antetoma, Richard Klein, Gordy Phillip, Adam Frosino, Nancy & Gene Pratt, Walt LaRaus, Debra Hogan, Liz Hogan, Bob Kelly, Sandra Sweet, Gerald Birmingham, Chuck Witmer, Henry Bair, Heather Vicino, David Vicino, Dave O'Rourke, Jean Lactenberger, Art Burcham, Kim Hintman, David Kiddie, Julie Doyle, Luba, Mason, Jim Mason, Dana Mason, Kaya Mason, Rick LeFrois, Dan Williams, Ken Curry, Ryan McElhiney, Jane Seen, Mary McCarthy, David Hahn, John Palomaki, Joseph Hurley

Chairman Dianetti made the announcement that if after all of the chairs are filled and if there are more than 9 people standing, we are going to need to ask for some of the residents who are at the meeting for the second application to wait in the hall due to the room limit. Due to not having microphones we will do our best to speak louder.

The Pledge was recited and the meeting began.

CORRESPONDENCE RECEIVED

- D. Bold re: Gullace dated 10/5/16
- J & G Thomas re: ConServe dated 10/3/16
- D. Hogan re: ConServe dated 10/4/16
- D. Hogan re: ConServe dated 10/6/16
- P. Allen re: ConServe dated 10/6/16
- D. Walsh re: Gullace dated 10/5/16

BOARDS/COMMITTEES UPDATES

PLANNING BOARD reported by Cathy Templar

- Fishers Ridge Workshop at 5:30
- Scout Crossing Subdivision located on Dryer Road
- Gullace Project located on Church St
- Conserve Project located on Main Street Fishers

Chairman Dianetti asked for reports from other committees. The Victor Historical Advisory

Committee was present but had no report.

Legal notice was posted in the Daily Messenger and post cards were mailed to property owners at a minimum of 500' from the subject parcel.

PUBLIC HEARING

Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes.

GULLACE SUBDIVISION

995 Co Rd 9

Appl No 30-SP-16

Owner: Lynaugh Road Properties LLC

Zoned: Multiple Dwelling

SBL # 16.00-1-46.000

Applicant is requesting approval for 69 for -sale ranch style townhomes, each with 2 car garages. The townhomes would be a combination of 3 and 4 unit blocks for a total of 53 units on the eastern portion of the Town lands and 16 units consisting of 2 and 3 unit blocks on the western portion of the Town lands.

This application has appeared before the Board numerous times including but not limited and this is only because I didn't go beyond September 23, 2014. They include the following:

- A joint Town/Village Planning Board informal discussion on 9/23/14
- Town Planning Board passed a resolution on 5/27/14 expressing intent to serve a lead agency for the SEQR.
- A joint Town/Village Planning Board informal discussion on 4/21/15
- A Town Planning Board discussion on 5/12/15 to review Parts 2 & 3 of the EAF
- Town Planning Board discussion on 5/26/15 to review Parts 2 & 3 of the EAF and discuss a determination of significance
- Town Planning Board discussion on 6/9/15 to review Parts 2 & 3 of the EAF and to consider the determination of significance
- Town Planning Board discussion on 6/23/15 to review Parts 2 & 3 of the EAF, finalizing the EAF and passing a Negative Declaration resolution
- Joint Town/Village Board of Trustees public hearing on the annexation associated with this project 4/25/16
- Town Planning Board public hearing 6/28/16
- Town Planning Board public hearing 7/12/16
- The Board's consultant team inventoried the public comments received of which Wes Pettee of LaBella Associates will now provide an overview of.

Mr. Pettee – As Katie mentioned this is a continuation of the public hearing for the Gullace Preliminary Subdivision application. The applicant is requesting a clustered subdivision approval pursuant to Section 184 Article IV of the Victor Town Code and Section 278 of the NYS Town Law. The proposed phased clustering would occur on approximately 17 acres that is within the town Multiple Dwelling District and would provide a density of slightly less than 4

units per acre, that's 69 residential lots. The property is within the town water benefitted area, however the project is not within the Victor consolidated sewer district. The parcel is not within an agricultural district nor is it within 500 ft of an agricultural district.

To this point we have recorded a total of 77 public comments, some of which were submitted in writing and some of which were shared with us at a Planning Board meeting on 6/28/16 and 7/12/16. Some of the major themes of the public comments that we have heard so far are traffic concerns. We have heard and acknowledged that there are significant traffic concerns, namely with the intersection of Lynaugh/Route 96 as well as Church St/96. We have heard that there are significant delays for people trying to turn onto Route 96. There are also some speed concerns and concerns for pedestrian safety related to traffic as well.

It has also been shared that there is a desire for single family homes to be constructed on the project site in lieu of what is being proposed now. That relates to community character. There certainly have been some folks that have shared their concern that the proposed finding does not fit the existing community, doesn't fit with the adjoining residential pattern of development. It has also been expressed that there is concern that the prior project that was anticipated as a result of the rezoning at the Town Board level. We'll touch briefly on that a little bit later. We recognize that is a concern of the community. Also the number of waivers that are being requested as a result of the project being submitted as a clustered subdivision and the public has concerns about that as well.

We have inventoried these comments for the Planning Board benefit. We had different reviewers look at the comments and provide some feedback for the Planning Board's consideration. So I probably haven't captured everybody's provided comments thus far but we have received them and they have been inventoried and I believe there are also a few new comments that have come in since we produced this inventory late last week. With that I'll turn it back to the Chairman.

Chairman Dianetti – Everyone on the Board has been given copies of the comments that were made at the public hearings and the responses from our consultants to review. The purpose for us being here again tonight is to take additional comments, hopefully they will be “new” comments, not just rehashing what we already have. The first thing we'll do is ask the applicant to give us an update.

Mr. Bob Cantwell with BME Assoc. – I'm here tonight on behalf of Lynaugh Properties LLC. With me tonight is Allan Knauff, Legal Council for the applicant as well as Dante Gullace, owner/applicant. I will acknowledge that we received Labella's comments this afternoon relative to their review of the initial submittal of the overall preliminary plans that were submitted to the Planning Board in May of this year. We just received those and look forward to addressing those in writing. I would also just comment that we are also looking forward to receiving the summary of the public comments. We have received a couple of public hearings up to this point and likewise we look forward to addressing those comments as directed as a preference from the Planning Board. Our objective was to respond to the comments efficiently and effectively and then comprehensively with a single response to the Board.

Mr. Knauff – I actually don't have a lot to add to Bob's comments. Obviously, we go back over the comments from the LaBella and the Board and if we have to make some adjustments, we're willing to look at that.

Chairman Dianetti asked if the attorney was present representing the concerned public for the Gullace Project and he was not. The public hearing was opened.

Mr. Tom Hooker from 57 East Parkway adjacent to the south side of the Gullace property. I'd like to believe that you have all read my presentation from June. I have another copy if you'd like to see it. What I've done in addition to that is I've gleaned as best I could from the minutes from 1985 of what Mr. Gullace was asking for when he got his Multiple Dwelling zoning approval. He made many, many statements, many promises that influenced the Board to give him the family density. As you know, the regulations are 211-25 reads; *where appropriate* and more important at this point *for a specific proposal*. That proposal seems to be lost somewhere. I've been told that it's been purged from the public records when we try to do a FOIL request on it. But as close as we can determine, we've made a scaled map of the property which was not easy to do, to scale it up because we don't have that computer capability and I actually made buildings the same size as what he requested back in 85. In front of you, you can see the white buildings (Mr. Hooker handed out material) on that map (referring to the applicant's plan), those are placed the same as his current proposal. But that is the size of the buildings gleaned from the minutes from 1985 that he requested. As you can see, he's requesting 4-1/2 times approximately the lot coverage, in other words, massive 8,000 sf bldgs versus 1800 sf bldgs that he was more or less as we can determine, was approved for.

The plan that he has is nothing remotely similar in scope other than the number of units to the project that he was approved for specific proposal. If we could find that map, it would make a big difference. The important thing is he has his approval, he needs to use that size building for any clustering options that are presented, not a pie in the sky apartment complex that he presented and is trying to use for his clustering.

We hope you will continue to keep the public interest in mind. The neighborhood that it wouldn't fit at all, it wouldn't be right. The setbacks, the buffering, there are so many details not really details, they are all major things that have to be considered. If I take the other side of that map and fill in all of the bldgs and pavement that he is proposing, there's not going to be too much greenspace left, it's all going to be little pieces. We hope that you'll do the best thing for the community and we're sure you will. We really appreciate your service. Thank you. Do you have any questions about my previous presentation? (No) Thank you

Mr. Patrick Laberti from 996 Kensington Court – At the last public hearing I submitted some paperwork that I assume is filed and you have in the record about the new intersection that is being put up beyond Church St to connect the two sides of the project. In the traffic study that was submitted, it used to be on the Victor website, I went on there today and couldn't find it. I wanted to pull up another copy but couldn't find the traffic study again. I might have missed it but I went on there and it had all of the preliminary plans but not that study. But there was some erroneous information in that.

When they did their sight line study for that new intersection, it listed County Rd 9 as 25 mph heading north. Where that intersection is going is 55 mph in both directions and I know as I live 2 houses off of that. It's a very tough intersection already pass where that it is. I submitted a letter to the County and just wanted to reiterate because I didn't know if it was a County or Town responsibility but that doesn't meet the minimum NYS DOT guidelines for sight lines. At that speed limit they need, I think its 650 ft of sight line to the top of that hill, to Hillcrest for any

car coming from a stop making a left turn out on that intersection. They have by their own measures I think 420 ft. It's a fundamental difference, it's not a matter of ...a lot of what you hear is character of the community, it doesn't fit, things like that. This is a matter of raw safety and whether it meets the NYS guidelines.

As an example of what we go through, this is a picture from last Tuesday. This is a high speed collision that took place on County Rd 9 at Lynaugh. That's an SUV right there that almost got launched into a retaining pond at Quail Ridge. The problem that we're looking at isn't just a matter of the slow intersections on 96 and Church or 96 and Lynaugh, this new intersection is going to be at high speed. So when the accidents happen, it's a high speed collision, it's a very, very dangerous situation. It's not something that previously would explain away traffic saying that traffic was already bad, we really can't put that on a developer. It's not really their fault so they're going to try to work with what we already have. This is a case where the plan itself is putting that there and it is on them to come up with a means to either make sure they have minimum sight guidelines or not. Believe me I live right off of that. We didn't teach our 7 year old to ride her bike this year because that street, folks are coming down already going 65 to 70. The answer might be a slower speed limit, a different traffic yielding or a different design in plan. That's all for someone else to decide. I want to reiterate that I don't believe unless I'm wrong on that, I don't believe that meets with what is necessary. And as I said, it's very, very dangerous.

Really quick, the original plan that they put forth also had houses on the west side of Church St. We still say that's a "no brainer" because on that specific parcel, you are literally in the backyards of all single family homes. That's not buffered with a park or a highway, you're literally in people's back yards and those houses, asking for clustering and putting those big buildings right in the backyards, I think are completely uncalled for. I believe the developers admitted it themselves when they put their first proposal forward where they had houses on that side of Main St as well and I think you all have the original copies of that as well. So I wanted to reiterate that.

I think based on the traffic alone, I believe the SEQR was passed, I think that falls under that process, I'm not sure but I'd like to see whether or not that needs to be re-evaluated because a lot of decisions you folks have made this year were based on a fundamentally erroneous piece of information. That's a big difference, that speed limit, that's a matter of raw safety and you know that is also going to become a cross walk for folks who are going from one side to the other. You'll have kids and people walking across the street there. That'll be a true crosswalk intersection. To have that 400 ft from a blind hill is just... obviously doesn't meet the guidelines. It's very, very dangerous. So I would re-emphasize that.

And, I would like to see if I'm wrong on this, a non clustered conventional plan with the townhomes. I think the only one we have on record right now is still the conventional plan that was with the apartment complexes. I would like to see what it would look like, I guess, conventionally with the townhome approach. I thank you very much for your time.

Mr. Gene Pratt from 12 Andrews Street, living in the Village of Victor on the corner of Andrews and Church. What is being passed out is a couple of...if you look at page 2, there are a couple of photographs of the backup on Church St due to congestion at the Church and Main Street intersection. If you note at the top, these two photographs were taken on Tuesday, June 28th at 11:30 in the morning. Where that pickup truck is located is somewhere between 150 and 176 yds from the intersection at Main St. Just to illustrate one example of the concerns that we have.

My wife and I reside once again, at the corner of Andrews and Church and we've lived at this residence for 38 years and have seen lots of changes in the Village. One of them and most notably I guess, kind of on the negative side is traffic. So specifically our concern is traffic.

The intersections of Lynaugh with Church and Main have been given an F rating meaning Failed by the NYS DOT. And it was mentioned by our attorney that in 2014 a study was done by the DOT and in Appendix X of that report it states that the DOT would review alternatives. Has anyone seen those alternatives? If not, we should wait for their arrival. It is clearly not prudent or logical to approve a project of this scale. You see this here, 2 car garages, if you do the math, we're talking potentially about 170 plus vehicles. If those residents have an interest in heading east, meaning towards Canandaigua or south towards Bloomfield and so on, they have no choice but to enter those 2 intersections.

The other important consideration regarding traffic is pedestrian safety. Patrick mentioned further out beyond the Village limits, if you have an interest in crossing Main Street, good luck! It's an accident waiting to happen for a pedestrian and sometimes it's difficult to cross Church Street without having an interest in crossing Main.

I guess in summary, for the sake of Village residents in this area as well as for the future welfare of the Village, this project should be denied due to its inappropriate location and scale. Thank you.

Mr. Gordon Robine from 12 Tareyton Dr – The people that have been up here pretty much took the thunder out of my speech. They've said pretty much everything that I wanted to say. We do live at 12 Tareyton Dr so we're kind of away from it but that cluster of things are going up right behind us. We don't live directly in the area where this is going on but it is going to affect our way of life and it shouldn't. This is a town, it's not a city. We're building a city. It's going to be inappropriate, you're going to get people hurt. I've watched this in Henrietta. They put up dwellings like this, they tried to take care of the traffic. Once a week there were accidents at the intersections and people were killed because of speed. People don't obey the speed limits now. What do you think is going to happen when you've got 400 ft from the top of the hill coming down? It's a dangerous situation. It's taking what we know as a town away from us and we're the ones that are going to have to live with it while somebody else makes money off of it. It's not fair to the public and the town and the people who live here and have lived here for 15, 20, 25, 30 years and I hope that you'll take that into consideration. Thank you.

Ms. Julie Doyle from 37 Hillcrest Dr – I've spoken before so I'm not going to go over the same things again but a couple of developments that have happened since we last.....a couple of things that have happened I noticed around the town and village since we last met that I wanted to bring to your attention that I think are on this project. One of them is the recent development of the school. I just got a mailing, probably most of you did as to a 25M capital project that the school is doing in which it should not raise our taxes. However, it does bear on the fact that the school is working to keep up as fast as it possibly can with the demand that is coming into Victor especially these larger scaled projects that are going to bring 50 to 100s of kids are going to be a much greater burden on the existing system and will put more kids into the school at a faster rate to not allow the school to catch up with those things. They are building up right now because we're on one campus and I saw that they are adding a second story to the old high school building where the pre-K is now. I just think that large scale development like this, I think the school really needs to be taken into consideration. This is the first year that we had to break the

tax cap which really was a shame but at the same time, the school needs the money to function. So if we have to do it, we have to do it. I do think the school needs to be looked at very carefully, especially with these larger projects.

The other thing that I had noticed is that some of the businesses are leaving the Village and the Village is starting to grow a little sparse again. I would love to see a really thriving Village and I think one of the biggest problems as we were talking in our neighborhood is the ability to walk in the Village and get across the street is very difficult with the way traffic is right now. Adding large scale projects like this is really going to stress these intersections which has already been addressed. But if you want a revitalized Village, adding these large scale projects at this fast of a rate is going to really hurt the Village businesses, there's no parking spaces down there, it's hard for people to walk down there to cross the street and to get to the Village businesses as it is with the traffic.

Obviously, the last thing I was going to bring up that has changed is the Town budget which actually is being held tonight at the other location which is unfortunate because I think, at least myself, I would have loved to be at that meeting. I think unfortunately, I think many of the people are concerned in Victor about things like that are at this meeting. We've had to split and I know that sometimes those things can't be helped but if you want strong community involvement this would be a group that would be strongly community involved to help encourage good and responsible growth of Victor and that would be an issue that bears on all of this with the Town budget being....it looks like our Town taxes will now double because of the way the budget is but I don't know that information because I wasn't able to go to that meeting. These larger projects like this is just going to add a lot of residents and yes they will bring in taxes but at the same time, they're going to require more services; ambulances, fire, road construction, all of those services that a Village and a Town really want for its residents will be stressed even more with projects like this. So yes, you have revenue but you also have to provide extra services like sewer and all of that.

I would propose and it's just something that I've been thinking of and talking to some people about, a way to maybe compromise on this is....it's just me putting this out there, not speaking for a group....is that possibly having the Village annex the entire project and putting it to R2 would really meet the character of the community and the needs of the community better and it would be under the Village services to also help revitalize the Village and give services to those residents and at the same time meet the character of the community around it. Just a proposal I thought that I'd throw out there that would be helpful. Thank you.

Ms. Ruth Nellis from 93 East Parkway - This evening I have a visual presentation and in the interest of time, the slide presentation has been condensed to photos which are being distributed. The focus is going to be on the visual part of the community character, the visual topography and landscape and the visual roads and streets.

Now the area which...I'm sorry that I have just a small map but it highlights what we're looking at here. In the center you have the proposed street, the yellow and around it we have the neighborhood. The point is, you can see all of the neighboring streets feeding into this area.

On the first page we have a photo of East Parkway, a typical backyard. You can see the dense large trees, the beauty of it as well as the benefits such as water absorption when it comes to the underground streams and springs.

The other picture is a typical home which is single family which is also typical of this neighborhood. There is a street view and you can see the streets, I realize this is in the Village

but it is in the neighborhood. It's a very serene, quiet area. The last picture is the intersection of East Parkway and West Parkway and Church St.

The second page you have a view of Hillcrest and County Rd 9. Note it's at the top of the hill that we've been referring to. Then there is a picture of a neighborhood in the Hillcrest area, there are some houses here, lots of beautiful houses, single family. Then we have another shot on the lower left of County Rd 9, now you're looking into the Village in that direction. At the top is Hillcrest, you can see the little street sign up there. Now this is where the cars come flying up from going 55 mph. The last picture on the page, you turn around from where you are on Hillcrest and you look down the hill, you're heading north towards Lolly Pop Farm. Now the cars if they've come through the Village are picking up speed already at Hillcrest.

The last page we have a view of the western portion of the development. Next to it is a view of the Kensington neighborhood. Again you see trees, single family houses. At the bottom left, we're switching to the other side of the development, you have Lynaugh Rd. You're standing at the entrance to Harlan Fisher Park and you can see, you're looking north. Now there are no sidewalks but if there is a development, you see the cluster of trees on the left, that's where the development would be coming from. People would have to teeter along on Lynaugh Rd as we did and we chose a very quiet time of the day to do this but the cars also go very quickly by here. If this development were approved, you'd have to in some way provide sidewalks for the people who'd like to walk from the townhouses to the park.

The last picture is taken from Harlan Fisher Park. Now I agree this is a Village park but you know that people coming from that development would like to use it. The point of this picture really is, we're standing down in the center part of the park and we're looking up. You can see my husband standing just to the right of that large tree. If you can take a trip over there sometime, you'll see there is a considerable drop in elevation from East Parkway from the lands just north of it, down to the center part of the park and the lands close to Lynaugh Rd.

The take away sheet highlights many of these points. The community character, the impact on the land, the elevation, the impact of the clear cut of thousands of trees, the beauty, the absorption, the drainage it helps provide and the topsoil will be redistributed leading to unknown drainage problems. We have surface water problems, the impact on light, odor and noise. Currently there are no street lights but if we have a 3 to 5 year multi phased development, consider the noise and the dust that all of these neighbors will have to endure.

The last thing is the impact on traffic and you've heard a lot about that so I won't read that but you may in your own time. Do you have any questions? Thank you.

Ms. Luba Mason from 120 Church Street – Unfortunately, this life it often happens that the squeaky wheel gets the grease but until it gets squeaky we often don't grease it. So what I'm going to say is not going to change anything probably but it's worth saying because people who got this in the mail (referring to the postcard), the address for the meeting was for the Main Street. A lot of people didn't know the meeting was going to be here and it's unfair and a big mistake I think. Also, some people don't get emails so this is just something to correct.

Two more things that makes this meeting impossible to come to is that there are two other meetings that are happening as Julie already said and that's very, very unfair to all of the meetings. So that is something to remember for the future.

My last point is please Multiple Dwelling doesn't fit in our neighborhood. Make it single family and we'll all go home. Thank you.

Mr. Dave Nellis from 93 East Parkway – At a previous meeting we noted that there was no place in this development for overflow vehicle parking. When you downsize and move to that townhouse of your dreams that has no basement, your extra stuff gets stored in the garage and your cars end up in the driveway. When your son or daughter graduates from college and doesn't have a job yet, their belongings go in the garage and their car goes in the street. When you have any company, visitor's cars go in the street. When the neighbors have one of those parties that they are famous for all of the partygoers cars go in the street on both sides. Victor Town Code requires that townhouses have space in their driveways to park 2 automobiles. It further requires that for each townhouse in a development, there should be .5 parking spaces in the development for overflow parking. I take that to mean for every 2 townhouses, there would be 1 extra vehicle space for the overflow parking. Therefore in this proposed development of 69 townhomes there would have to be 34 extra parking spaces. It also means that in the same way that street, sidewalks and driveways do not count as greenspace, neither would the 34 overflow parking spaces count as greenspace. Thank you.

Mr. Jim Mason from 120 Church Street – The most recent proposal that I have here is dated May 24th from BME and they justify the proposed density by pointing out twice in the letter that 171 units could be built. I have a print out here which you can take a look at. The purple is the extra 102 units that they are not building. My point is that the justification is really a fallacy, there is no way you could put that many units on the lot.

I have another print out that shows that size of the buildings and their proximity to each other relative to all of the other buildings in the community. The bldgs are too large and too close together. The third print out that I have is from the Victor Town Code which describes townhouses as having separate front and rear yards, separate utilities, separate lots. It also describes apartment bldgs that are required to have 50 ft front and 20 ft in the rear.

These don't qualify as townhouses, they don't even qualify as apartments by Victor's own code. The requested setback reductions aren't required and shouldn't be granted. Thanks

Chairman Dianetti – Mr. Curry, before you start, let me apologize publicly for making a miss statement at the last meeting in saying that we had a public hearing. We had a public meeting where we discussed it and we issued a Negative Declaration on the SEQR but it wasn't a public hearing. So I apologize for giving you this misinformation.

Mr. Ken Curry from 63 East Parkway – An honest mistake. Tonight I want to follow up on the topic of the Gullace Project SEQR Negative Declaration. As Jack pointed out at the July 12, 2016 Victor Town Planning Board meeting, I asked if a public hearing took place during the Gullace Project SEQR process. Jack said yes and he admits now that he was mistaken. On July 15th, I received a clarifying email from Catherine Templar that the answer is no. Catherine wrote *There is no public comment period when the Planning Board members are in the process of deliberating unless requested by the Board members.* The residents of Victor are very disappointed that the Victor Planning Board did not care enough about public opinion to provide us the opportunity to share our SEQR concerns with them so they could better represent us. We therefore request that the grievances detailed below be distributed to the Victor Town Planning Board, the Victor Town Board. Although the Victor Town Board is Lead Agency in the SEQR process, we also request that the grievances be distributed to the Victor Village Planning Board and the Victor Village Board as they are also impacted by the SEQR determination.

In the EAF form there are 174 potential project impacts. We have 12 grievances. We agreed with your judgment on 162 of them but we feel these 12 need to be reconsidered. We request that this correspondence be read into the public record. Furthermore on the advice of council, we request that the Victor Planning Board revisit the Negative Declaration before proceeding further with the application before the Planning Board. Let me just be really clear, we're looking for a Positive Declaration, we want this to be investigated.

Now I'd like to quickly go over those 12 grievances and then I'll be done. The first four have impact on land. In all cases, for all of these 12 grievances, the Town Board found there was no or a small impact may occur. The residents claim that there is a moderate to a large impact that may occur for all 12 of these.

The first – *The proposed action may involve construction on slopes of 15 degrees or greater.* There is a very large elevation drop from the Village to the Town. It's greater than 15 degrees.

The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. We claim there is going to be a lot more than 1,000 tons.

The proposed action may involve construction that continues for more than one year or in multiple phases. The developer has said it's going to take 3 to 5 years. That's a large impact.

The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). They are going to clear cut thousands of trees as Ruth's photos showed you, thousands of trees.

Now here's an impact on surface water – *The proposed action may cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.* The County Planning Board minutes of 6/8/16 said of this project location that erodeability is very high.

Impact on Energy – *The proposed action may involve heating or cooling of more than 100,000 sf of building area when completed.* Do the math, there's more than 100,000 sf.

Impact on Noise, Odor and Light – *The proposed action may resolve in light shining onto adjacent properties.* There's currently no street lights.

The proposed action may result in lighting creating sky-glow brighter than existing area conditions. Again, there's currently no street lights.

Other Impacts – *Construction noise related to this construction which is anticipated to be temporary.* 3 to 5 years of noise and dust.

Lastly, Consistency with community character – *The proposed action may create a demand for additional community services (schools, police and fire).* Well you'll probably have more than 200 additional residents, you're going to need more services. I think that's a major impact.

The proposed action is inconsistent with the character of the existing natural landscape. Clear cut versus forested.

Other impacts – The external multi unit townhouse appearance. All we've seen is a map that looks like a bunch of barracks. Thank you

Ms. Mary McCarthy from 21 East Parkway – Last week I got a phone call asking me if I'd like to take out a loan for a college course. This week I'm asked to come to FLCC. Is this a supplemental message that we all need more college to understand what's going on in this town? I think that is what it means even though I have a degree in social work. I thought that I had enough education but I don't seem to understand what's going on in this town, I really don't. I

respectfully request a moratorium on all Multiple Dwelling construction until the traffic problem on Route 96 corridor affecting Lynaugh and Church Street and the adjacent streets be resolved. I would like that to go into the record. I would like that moratorium enforced.

Also, I do not recall and this may just be me, I have not seen a front elevation of these bldgs that you're asking us to accept something that we have not seen and may look like a barracks as the gentleman before stated. Thank you for your time.

Chairman Dianetti stated that we have a time deadline for this evening and need to close the Planning Board meeting by 9:45 PM. Only a couple more comments will be heard for the Gullace Project before moving onto the next application. The public hearing will be kept open for the next meeting. Chairman Dianetti apologized for the change in venue. It wasn't the result of what the Planning Board wanted to do but due to the holiday falling on a Monday, the Town Board was postponed until this evening and they expected a large group also. On short notice our staff was able to secure this location and we thank FLCC for helping us out. There was no intent to make it difficult for anyone to get here this evening. It was just circumstances we couldn't control.

Mr. Dave Hahn from 6795 Ally Rise – Over the course of the past few years I've been involved with this, I moved in at that address in 2013 and 2 months after I moved in, I got this notice about this disaster in my backyard, literally in my backyard. I'm one of the most affected homes in this whole thing. I never would have bought the house.

Over the course of the past couple of years, the Gullace's and Mr. Cantwell has changed this layout using schematics to say they've lowered the number of units but they dramatically increased the size of these bldgs. They are clustered together and clustering is used for extreme hardship, this is far from that and jammed in tight together.

As horrifying as the east side is, I did want to concentrate a bit on the west side, that's where I'm located. The east side, the Village homes have 2 layers of single family homes before they get to those monstrosities back there, those large oversized bldgs that are jammed tight together. On the west side you've got these large bldgs backing up to 3 sides of backyards. I wished I had made more copies, I took the liberty.....I laid in this development proposal amongst the single family homes, the proposal you're seeing is just the Gullace project. I wanted to show you the impact to the multitude of single family homes around it and literally on the west side, its on 3 sides. My backyard ends as well as many others and these bldgs begin. There is no buffering whatsoever. I mean, does this look good to you? The SEQR asked for, does it fit the character and I guess I'm asking you, does this fit the character of that neighborhood?

Additionally, this project as we all know was approved in 1985 and when was the last time you reviewed the 1985 plans? I was curious.

Chairman Dianetti – That's not what is in front of us to approve. What is in front of us is the proposal that you see.

Mr. Hahn – But the impact from what was.....

Chairman Dianetti -I understand the emotion that is involved. I understand the concern that is involved. But we want to try to keep it....there is another public hearing and another opportunity...we're recording all of the comments and there will be a list of recommendations to

the applicant that he needs to respond to and this will be one of those questions that we ask. This isn't the end, we're in the middle of the process.

Mr. Hahn – That's fine, it was just a question that I had. I've never seen the 1985 plans and I was wondering when the Board has seen them because that's what this project was approved for 31 years ago and to move forward with the project, you have to know where the base line was.

Mr. Young – That's actually not technically or legally accurate. This project was not approved in 1985. What was approved in 1985 was the rezone to Multiple Dwelling. This is an issue that was raised by the community's attorney which was responded to by the applicant's attorney and the Town Attorney took a look at the issue. In 1985 the current owner and as it turns out in 1985 it is the same owner as today. Before 1985 there was an application for a rezone to Multiple Dwelling. That application was granted in 1985. As is typical for rezoning applications, a hypothetical project was proposed. A project that, at that time, the developer presumably planned on building, it was never built. The rezoning approval was not conditioned on the project. I've taken a look at the resolutions, I've taken a look at the code, there was no conditional approval tied to the project. Again, typically when there is a rezone proposed, there is a project that goes along with it, that is typical because otherwise it's difficult to examine the potential impact. So at the time, there was a multi family project proposed at the time of the rezone. But again, the rezone did not condition the rezone on a particular project.

So we get the Multiple Dwelling rezoning placed on the map in 1985. Then the code actually changed at least one time, maybe more than one time. So what you're reading today back to the Planning Board in the code is not the code when this was rezoned in 1985.

The Planning Board is not allowed to entertain moratoriums, its not allowed to rezone. It has to deal with the zoning that is on the map when the project comes before it. The Board has to deal with the Multiple Dwelling District as it is in the code today and it's looking at the project as it is proposed today, not as it was proposed in 1985.

I think the Board understands the concerns of the residents that back in 1985 there was a certain project proposed and for comparative purposes as much as we can with that project, that might be helpful but the Board is not bound, the Town is not bound to the project as it was proposed in 1985, it has to deal with the project as it is proposed today in the Multiple Dwelling District. This Board can't rezone it back to R2. The Town Board deals with zoning, not the Planning Board. So if the way you want to proceed is to rezone it out, that's something that needs to be done by the Town Board if they are willing to entertain it. But right now, we are dealing with this project as a Multiple Dwelling project as it is proposed today.

Mr. Hahn – Well moving to present day that we're at right now and 3 decades after this, now that he wants to build up, the vast majority of these homes as we know weren't there so just going back to my earlier point, it dramatically has an affect on the neighborhood which I don't think was really studied in the SEQR because it absolutely does...the layout just shows those sitting in there. It's a sore thumb sticking right out. I just wanted to...hope you folks do the right thing and keep the neighborhood...I understand what you're saying, you have certain criteria to work with right now and we're in the middle of this process as you said Jack so just hope to keep the communication lines going. Thank you for your time.

Chairman Dianetti stated that we would listen to one more resident before going to the next application.

Mercedes Murray from 64 East Parkway – I have a quick question. Is there anything new with the Gullace proposal? We would like to know if there is anything new with the proposal. (No)

Mr. John Palomaki, Jr. from 66 Golf View Rise – I'm sorry I was at another hearing where they were talking about doubling our town taxes. The question that I wanted to ask and I think I raised it once before but haven't heard anything since, is the Comprehensive Plan calls for all new developments to take a look at LEED for neighborhood development and the considered principals in the developments. I just kind of wanted to ask has anything been shown that they are thinking about LEED for neighborhood development or considering that or even some of the principles in it whether that is in sighting or renewable energy, materials that they are using, things like that. It is part of the Comp Plan and we should consider it for all new developments that they try to adhere to that Comp Plan or at least a lot of its principles. I just wanted to find out if anything was being done on that.

Chairman Dianetti – The hearing on the Gullace application is still open. It will be on the next Planning Board agenda. Information will go out and it will be at the Town Hall with meeting starting at 7:00.

The discussion ended at this point.

CONSERVE

County Rd 42

Appl No 2-PS-16

Owner: Salzman Realtor LLC

Acres: 18.6

Zoned: Light Industrial and Route 96/251 Overlay District

SBL #6.00-1-58.320

BME Assoc. on behalf of LeFrois Builders request site plan approval for a proposed construction of a 99,512 sf single story commercial bldg with parking for approximately 965 vehicles and associated site improvements on the north side of Main Street Fishers, West of Fishers Run. The proposal first appeared before the Board informally on August 9th and is returning this evening for the formal application.

Peter Vars from BME Assoc addressed the Board on behalf of RRL Acquisitions along with Rich LeFrois from RRL Acquisitions, Amy Dake from SRF Assoc and Linc Swedrock from BME Assoc.

Mr. Vars – As stated we are appearing this evening to request preliminary and final site plan approval for the development of the Salzman property which is located on the north side of Main Street Fishers, West of the Fishers Run/Philips Road intersection. RRL Acquisitions is proposing to develop the property with a single story building of 99,512 sf, 25 ft tall and provide parking for up to 965 total vehicles.

The subject's property is approximately 18.5 acres and is zoned Light Industrial and as you know it's located within the Route 251/96 Overlay District. The parcel does consist of two taxed parcels that will be combined as part of this application through the Town's administrative lot line adjustment process.

The parcel is bounded by Fishers Run Industrial Park and its tenants on the east and the north. The Saurer Farms residential neighborhood to the west and it occupies approximately 560 ft of frontage along Main Street Fishers.

The proposed use for the building is office space. The company taking occupancy is an accounts receivable management company which is an allowed use within the Light Industrial zone. The building will employ initially 600 people in 2017 with an ultimate total of employment of 1,000 employees within the next 5 years. The site plan has been prepared for the Light Industrial zoning standards. The layout conforms to all setbacks, lot coverage and building height criteria of the Light Industrial district.

We did appear before the Planning Board on August 9th for a sketch plan review and we have incorporated some of the feedback that we received at that meeting in this application that we submitted to you and are here to review. Primarily the change that we made, we flipped the building with the parking lot on the east side of the building. The sketch plan originally had the parking on the west side and the building pushed to the east. Out of respect and consideration of the residential neighborhood to the west, we have now pushed the building to the west such that it will be located between the residential neighborhood to the west and the parking area on the east side of the project.

The building will be located approximately 420 ft off of Main Street Fishers, well in access of the 80 ft minimum front setback of the district. It has been oriented in an east/west direction in order to take advantage of the contouring of the property. Also by doing this, the only thing that we do have along the west side of the building is the required fire lane on that side of the building. As a result with this location, we are able to provide or meet the 100 ft residential buffer requirement between the Light Industrial zone and the Residential zone to the west. The building itself will be located approximately 155 ft from the west property line so it actually exceeds by 50% greater than the required buffer of the outlining zone. The building will be set at an elevation as close to the existing grade along the front of the building. As I mentioned it will run parallel to the contours on the site so it does minimize the earthwork.

As a result of this, it was actually one of the positives that we gained from the sketch plan, by maintaining the building closer to the existing grade, it does allow us to preserve a lot of the existing vegetation, up to 80 ft of it within that 100 ft buffer as represented on the rendering that you see. In addition to that existing vegetation as shown on the landscape plans that were provided to you in your application, the developer is also proposing to provide additional plantings along that buffer consisting of spruce and fir trees to supplement the existing vegetation and he is also willing to provide additional plantings on the private properties side of that existing vegetation if so desired.

To the left of the rendering, we have cross sections that we prepared. We did submit them to the Town today so you do have them on file. These are cross sections that we are taking between the existing building and the existing homes on Saurer Farms. The intent of these cross sections is to show the relationship between the existing homes and the proposed new building. It shows the fact that the proposed building is sitting a little bit lower than the existing homes but it does show clearly the effectiveness of the vegetation of the existing vegetation that would be saved and preserved in that buffer and the screening that it provides between the proposed

building and the existing homes. These two photos are taken from these two building corners, looking due west. Again, that was information submitted to the Town today and it does show you that buffer. As we mentioned, we do understand a lot of that vegetation is deciduous vegetation and thus is why we are proposing to supplement that with the conifers, the spruce and the fir trees.

The parking lot will be developed in phases with this project. The darker gray area as shown on the rendering would be the Phase 1 parking which would total about 706 spaces. Then as employment increases over the next five years, the east parking lot and parking at the rear in the northwest corner would be installed which would be an additional 214 spaces. Then we are land banking an additional 45 spaces which brings us to our total of 965 spaces. Of these 965 spaces, we are proposing 390 spaces to be located in the front of the building. This would be parking installed with Phase 1.

As this project is located within the Route 261/96 overlay district, the Planning Board does have the ability to allow that parking to be located in the front of the building. We are requesting the Planning Board to grant that approval as part of the site plan approval process. The reason we proposed the parking in the front of the building is for a couple of reasons. First of all, typically parking would be on both sides of the building and the rear. The parking was all to be behind the front of the building. In this instance, we chose to go to the rear, the east side and to the front of the building so that we would have no parking between the building and the residential neighborhood to the west. As I mentioned even the sketch plan, we had it reversed that way but through comments that we heard during sketch plan process, we opted to do the layout that you see before you.

Second we held the parking at the north side, about 120 ft south of the north property line. That was done because the slopes in that area begin to get quite steep and it was a comment from the Conservation Board to try and stay off of those slopes and preserve them and we are allowed to preserve some of the trees at the north end. So we opted not to extend the parking lot to the north so we could stay off of the steeper sloped area of the property.

Another area too we did not want to extend into this northwest corner because currently a lot of this site drains to this corner into that green shaded area and it's a natural infiltration area, that's where the stormwater from this area goes and it just infiltrates into the ground. We didn't want to disturb that area which I'll get to in a moment, we actually want to utilize that as part of our stormwater management plan. So we didn't want to get in there and disturb that area with additional parking.

As part of this plan, the applicant, even beyond what we show, propose additional plantings along Main Street Fishers. We met with the neighbors a week ago, Monday the 3rd of October and that was actually one of the comments the neighbors had. There is a planting area here that we will propose additional plantings almost to create a continuous vegetative screen along there in order to break up the massing of this parking area and the building from traffic along Main Street Fishers. This upper cross section shows you the relationship between Main Street Fishers at that end and the building here. The point is, that landscaping will be affective in adjusting the sight lines of people traveling along Main Street Fishers.

In summary, locating the parking in the front was done in order to be sensitive to the residential neighborhood to the west and the steep slopes to the north and that's why we are requesting the parking to be located in that area.

The project will be served by a single point of access on Main Street Fishers. It will consist of one entry lane and two exit lanes. It's located approximately 1100 ft west of the Phillips Rd/ Fishers Run intersection with Main Street Fishers.

At a meeting with the Fire Marshal and Code Enforcement Officer, there will be an emergency access located here (to the west of the main entrance). It will be paved but it will have a crash gate installed to the specifications of the Fire Marshal such that only emergency vehicles will be able to utilize it. We have located this access as far east as we could out of consideration of the existing residents. That was actually a hold over from one of the original Salzman development plans from 2005. That entrance location does meet the sight distance requirements of Ontario County as it relates to access to the County highway system.

The project will be served by water and sanitary sewer by connecting to existing public facilities located along Main Street Fishers. There is an existing water main along the south side of Main Street Fishers. We'll tap that, run the new service into the building. There is a sanitary sewer located in the southeast corner of the property, a town sewer that we'll connect to and extend a lateral up to serve the proposed building.

I believe you are in receipt of a letter from LaBella concerning the sanitary sewer capacity in this area that notes that there would need to be upgrades to Pump Station 28, the Wendy's Pump Station, minor upgrades to those pumps. Once that is done, there would be capacity within the sewer system for the anticipated flows from the proposed project.

As I mentioned we did prepare a comprehensive stormwater management plan for this project. All of the building and parking areas will be collected in a storm sewer system and piped to this infiltration area in the northwest corner of the project. The foundation of this management plan is stormwater and filtration. This management plan is one to promote the infiltration of stormwater into the ground. We are taking advantage of the permeable soils that exist on this property. The 100 year stormwater run off volume will be contained within that area. There will be no surface discharge, no downstream discharge from this area. RRL Acquisition has secured an easement from the adjoining property owner to the north to allow that area to pond and that easement and the required easements would be provided to the Town of Victor along with access easements to allow for the inspection per the standard maintenance agreement that the town requires.

A small portion of the site, the front 80 ft which represents about 3/4 of an acre of the 18 acre site will drain to an infiltration trench along that area before it's discharged to the County highway drainage system. We are reducing the drainage area quite dramatically because currently the divide is here and we're only taking the first 80 ft. because we're taking all of the development area to the northwest corner.

The project proposes LED lighting throughout the site, both pole mounted parking lot lighting and the building mounted lighting. All fixtures will meet the town's requirement for dark sky compliant fixtures. Parking lot lighting would be mounted on 25 ft high poles which puts it around the same elevation as the building. As we mentioned, the building is about 25 ft tall. With regards to the LED lights and the dark sky compliant fixtures, there would be 0 footcandle illumination at all property lines and that's shown on your photometric plot that was provided with the site plan application.

In addition, there are only 2 poles proposed on the west side which will illuminate the fire lane on the west side of that building. The 0 footcandle illumination point is actually still 70 ft from the west property line or adjacent to the residential area.

We did include with our site plan package, a landscape plan that does propose site landscaping through out the property. We've mentioned a couple of areas already that we felt were important adjacent to the residential area on the west side and also along Main Street Fishers. This project with full build out, full build out of all the parking areas still provides 37% greenspace, thus, meeting the code requirement of a 35% minimum.

This is a Type 1 action under SEQR. We did provide you a complete Part 1 of the Long Form EAF for your consideration which included an engineering report that addresses stormwater management, soils, traffic and other items as a supplement to the EAF. Back on September 13th, the Planning Board did declare your intent to be Lead Agency and I know that we have a few more days for the 30 day clock to run out before you can formally declare yourself Lead Agency.

We have received comments from the staff and consultants. For all of the comments received as of Friday, we did provide written responses today for you to take a look at. We did receive the LaBella comments this morning also. We have reviewed those, we don't really see anything of any concern and will provide written responses to those this week.

At this time, I'm going to turn it over to Amy Dake from SRF Assoc because I'm sure you want to here the traffic findings.

Amy Dake, Senior Traffic Engineer with SRF Assoc. – I know that this Board is very familiar with traffic studies so I'm just going to hit on some of the important points. There are some peculiarities in this one that I want to make you aware of. First of all we scoped out the traffic study with the Town's Traffic Consultant to identify what intersections we should look at. We looked at Route 96/Main Street Fishers, Main Street Fishers/Phillips Rd, Main Street Fishers/Wangum Rd, Phillips Rd/Route 251 and Route 251/Wangum Rd. Those were the intersections that the town wanted us to look at. We added the intersections of Phillips Rd/Omnitech Place as well as Route 96/Omnitech Place because we had some foresight having done some studies about 18 years earlier for the town where we knew there may be some interesting mitigation that we could propose for this.

To start with the peak hours that were identified; 7:15 to 8:15 in the morning; 4:45 to 5:45 in the evening. We added background growth so we contacted the town, wanted to make sure that we included anything that was already approved or under construction in the area that would affect traffic. The developments that were identified were; Lehigh Crossing Business Park and the Meadows Business Park. (Pinnacle is not approved at this time and at this point Fishers Ridge is also not approved). Those two developments were added and in addition to those we added .5 % growth per year to the background traffic to the existing traffic to arrive at our background conditions. What that does, it's supposed to account for any unforeseen development that we did not include.

The proposed development, Conserve and they are a local company with offices currently in Fairport, Henrietta and I think one other location. Because they are in existence already, they were able to supply us with two weeks of employee information as to when their employees come to work and leave. They have three different types of employees that generally work in their buildings. One is a shift type of an employee who does the calling for their business. Those people generally work 8-5 right now. They do have some later shifts to accommodate the west coast demand but that doesn't really affect our peak hours. They have administrative personnel and salaried personnel that also work similar hours. When you're salary you can come and go when you want, they may work longer, start earlier, stay later.

The point is, all of the employees that are going to be added at this site will be the shift work employees, the 8 -5 employees. So that is what we really needed to take a hard look at. They are expecting 600 employees at this site when they open and then they want to add an additional 400 employees over the following 4 years. So at full build out, they would have 1,000 employees. The majority of those employees will be the shift work employees.

As for the distribution, again because it's a local company that already has employees, they were able to give us the zip codes of all of their existing employees. From that information we were able to determine where the people lived that will work at this site and how will they arrive. Basically, the majority of their employees will be coming either 490 or south on Route 96 from the Pittsford area. Most of the employees will want to make a right turn from Route 96 onto Main Street Fishers and at night they will be in that left turn, eastbound to try to go north on Route 96 to get back on 490.

We know that intersection is a concern, that movement is a concern, it's already operating with long delays. The State within the last couple of months made some changes at the intersection which makes things even longer because they went to a "protected only" movement for the north bound and south bound left turns. Meaning they put in arrows so now you can't make a left turn, if you're waiting for a gap, you have to actually wait for the green arrow to make your left turn. It's a safety improvement but it does create additional delays.

We took all of this into consideration and with the help of Conserve, we were able to come up with a scenario where they changed their shift times. Instead of having their shift employees work 8-5, they can have their shift employees work 8-4:30. What that does, is if we go back to our peak hours which were 7:15-8:15, if everyone needs to arrive at 8:00, they are still arriving during the peak hours but far and away, the majority are that southbound right turn which has an arrow, it's almost kind of a free flow movement to make the right turn southbound on Route 96 onto Main Street Fishers and it operates fairly well in the morning. At night the peak hours are 4:45-5:45. If everyone gets out of work at 4:30, they can get out ahead of the peak hour and not be in the main left turn traffic from Main Street Fishers onto Route 96. So that is one of the main mitigation measures for this project.

Having worked on what's called the subarea study in 1988, it's one of the first projects that I worked on when I came to work with SRF Assoc in the Town of Victor, I remember the issues at this intersection. That study actually predicted that by the time 2015 rolls around, we would need a traffic signal at Omnitech Place/Route 96. If we install a traffic signal at Omnitech/Route 96, we can divert a portion of the traffic that is currently northbound on Phillips Rd, making the right turn onto Main Street Fishers that then makes the left turn onto Route 96 at night. In the morning as well but not as much. What that will capture is residential traffic and primarily office traffic on Wangum Rd/Old Dutch Rd down Route 251 that currently goes east on Route 251, makes a left onto Phillips, right turn onto Main Street Fishers and then the left turn onto Route 96. We're estimating that we can capture about 25% of that traffic at night and direct them to use Omnitech Place instead and then make the left turn from Omnitech Place onto Route 96. That will reduce enough of the traffic that's currently making the left turn from Main Street Fishers to Route 96 to allow us the capacity for this development.

That's pretty much it for the traffic study. We then also received some comments from the town, specifically from Bill Mendick from MCA Development. At the request of the town, we took a look at those comments and put together some responses that we submitted yesterday. Mr. Mendick had a question about the * asterisk that is listed in the level of service table. We

typically do that when we have delays that exceed 2 minutes, normally we have a footnote under the table that was omitted this time by mistake.

Second, we are recommending that a post development study be conducted after Phase 1 is completed and the signal is in place so that we can determine if we are effectively diverting the traffic that we're expecting to divert onto Omnitech Place. What we are intending to do to affect that diversion is to do an educational campaign where we reach out to the office developments and residents in the area with information saying that there is a new route, take this new route if you're finding congestion on Main Street Fishers and also to use variable message signs once that signal is up to get people understanding that there is a new route.

Mr. Mendick had a specific question about the reduction in the number of employee trips because of our shift change and it says in our study that we are expecting a 63% reduction in the number of trips in the PM peak because of the shift change. That is an accurate number and is based on information provided by Conserve and they feel they can change that shift time for their employees.

There was also a question on the background growth rate, whether or not 0.5% per year was high enough. We had looked at two different locations for background growth. Between 2009 and 2014, traffic volumes on Route 251 have actually decreased by 0.34% per year. Then between 2010 and 2014, traffic volumes on Route 96 had increased 0.2% per year. So we felt that 0.5% growth per year for the 5 year study period was an appropriate growth rate in addition to the Lehigh Crossing development and the Meadows Business Park development.

We did also take a look at Fishers Ridge as a concern was raised that we didn't include that specifically in the background traffic. Phase 1 of Fishers Ridge is expected to be...their Phase 1 study was a little unclear. It says it is expected to include 132,000 sf Bass Pro Shop and a 17,400 sf restaurant with future development of a 200 room hotel, 214 apartments and 36 townhomes. But then their analysis used shopping center for the restaurant building. So I'm not really sure what they are proposing. But based on the information that we were provided in their technical memorandum for Phase 1 and based on their traffic volumes, on Main Street Fishers they are expecting to add approximately 1 vehicle per hour in the morning and 9 at night in the westbound direction and 1 in the morning and 7 at night in the eastbound directions. Then on 251 they are expecting to add 2 in the morning and 25 at night westbound and 18 in the morning and 3 at night eastbound. So while we didn't explicitly include those volumes in our background growth, I think between the volumes that we included for Lehigh Crossing and for Meadows Business Park and the 0.5% per year it more than covers it.

Chairman Dianetti – How much of that traffic coming out of the industrial park do you think will use Omnitech instead of Main Street Fishers?

Ms. Dake – At this development? (Yes) I think any of this traffic will use Omnitech.

Chairman Dianetti – So all of that traffic going to Omnitech is coming from the other parts of the development.

Ms. Dake – The traffic that we're projecting?

Chairman Dianetti – Yes, going to Route 96 through Omnitech.

Ms. Dake – Right now the left turn from Route 251 to Phillips Rd is 460 cars in the morning and 275 at night. Then the right turn from Phillips Rd to Main Street Fishers is 395 and 425. So those are the traffic volumes that we're going to divert to Omnitech Place. Right now the left turn from the Main Street Fishers to Route 96 is 465 and 750. So we're saying that we're going to try to divert 25% of that 750 at night to Omnitech Place and that's traffic that is already coming from Phillips Rd to 251.

Mr. Santoro – How are you going to do that?

Ms. Dake – With variable message signs and educational campaigns. People will find that it'll be quicker to use Omnitech Place if there is a signal there. So it'll just be kind of a learning curve until people get use to doing that instead of going all the way up..... The other option is go all the way to Main Street Fishers and sit in traffic and we know right now it backs up 3/4 of the way to Phillips Road and sometimes all the way to Phillips Rd.

Mr. Santoro – Do you think it won't back up on Omnitech?

Ms. Dake – At Omnitech that volume won't be quite as high and that road is much longer.

Mr. Santoro – But it's much more narrow.

Ms. Dake – But there are 2 lanes already exiting Omnitech and that was planned for 20 years ago in that subarea study and that was exactly the purpose of the Omnitech Place Road.

Ms. Zollo – So the traffic is diverted to Omnitech, you also make the left onto 96? (Yes)

Mr. Vars – We'd like Rich to be able to go over the building elevations and also open up to the Board for questions. The only thing we'd like to add to the traffic is that we did meet with the State DOT with the Town's Traffic Consultant about a month or so ago and reviewed the scope of the study and the proposal of signalizing Omnitech Place/Route 96 because that was one of the four recommendations coming out of the subarea traffic study that the town commissioned back in 1995. The State was supportive of signalizing that intersection. They do understand that that was likely a planned improvement to occur and they will formally respond soon on that. With that, I would like to give Rich a few moments to go over the building architecture.

Mr. Rich LeFrois – I'm here to talk about the building design. We know we're in the Route 251/96 Overlay District so we had some challenges as to how do we make a good looking building that fits in with the neighborhood and also complies to the overlay district. So what we did is study some of the bldgs that are on the corridor now, ie Redcom, Tambe, Omnitech and kind of mirrored those with the overlay which we've done.

We've created a lot of relief across the front of the building and tried to get quite a bit of difference in plain depth, by having a bunch of "ins and outs" and also vertical height. I think that we've come up with a very, very attractive building. On the lower part of the window, there will be a product called Shouldice which basically appears as a limestone type product. On the basic building the mass of the building will be a lighter type stucco. Then to accentuate the release, where they go back, we're going to go with a darker color, again to break up the

different sites. We wanted to do something with a little bit of a feature, a brick type color that would be around the entrance area going into the building and a metal panel feature that would give it a modern look touch. I think it would fit in with the neighborhood. I tried to accomplish how do we bundle with everybody else and still end up with a good building and try to take the overlay into account. Thank you.

Chairman Dianetti asked the public for comments.

Ms. Pamela Allen from 590 Saurer Farms Dr – Mine is one of the houses that this building will literally back into. For all of their trees and everything, one thing they haven't accounted for which looks lovely in their renderings because its summertime, there are going to be no leaves on those trees in the winter. Also, where their building is located, 6 ft pine trees are not going to block their view into my porch, possibly my dining room. I don't think my bedroom, thankfully, but the last we heard the short end of the building that backs up to our property is going to be all windows. That is an invasion of privacy in my estimation. I am totally, totally unacceptable. The lighting is another issue. Yes, it's only 25 ft high but we are higher than that. You're either going to be looking directly at it or up. I don't know what 25 ft would be but we are higher than the building, that's all I know. We are higher, a 6 ft tree will be something we can gaze over the top of and I still think lighting is going to be a problem, I don't care how engineered it is, it's going to be in our backyard. There is no avoiding with the way this is presented.

The other issue and I know it's a broken record but it's the traffic. Omnitech Drive, have any of you driven that? It's a driveway, literally it is a driveway. So now I'm guessing we're going to have backup on Main Street Fishers and I can see Omnitech Dr being full from Main Street Fishers all the way to 96. I don't see how it actually helps the flow of traffic. I just can't wrap my head around that.

So the issues of the trees, the lighting and the lack of privacy are huge for me because they are literally looking in my back porch and possibly my dining room. I just don't think a business should be allowed to invade the privacy of a neighborhood. So I think again, it's the size of the building. If it were smaller, it wouldn't be backing up to my backyard. I think its too many cars, its just too large in the scope for this area because it backs into our neighborhood. The other businesses he referred to are far enough away from us, they are not invading our privacy. Gorbel is down the hill and we hear them sometimes but we don't see their lights, they are not looking into my dining room or my bedroom so that's different. Places a couple of streets down, on Main Street Fishers, they also are not looking into our homes and that's the big issue with this, they are looking right into our homes and I don't care what they do with their shift, you can't guarantee that you're going to get 1,000 cars out of that single driveway at 4:30pm to beat the traffic. How are you going to do that? Are they going to hover or --- cars or what? I mean there is just no way. Think about how traffic moves, 1 car at a time. They are not going to be able to get everybody out of there by 4:30.

So I wish you would take into consideration the privacy of at least my home and Debra Hogan's home. We are the most severely impacted by the size and location of the building. Thank you.

Ms. Debra Hogan from 580 Saurer Farms Dr – Pamela has already voiced a bunch of issues and concerns that we have. Tonight I am going to make a very brief presentation too, as I call out the case against Conserve and this is an in depth look at their traffic study. I filed a FOIL today and

received all of the raw data of their traffic study. There are several key points that I would like to make. All of the data that you will see in this presentation is directly from their data. There also is some substantiating data from the PAC study that was done in 2013 and also I'm not sure if people know but the County is planning to resurface Main Street Fishers and as part of that, they also conducted a traffic study. I have a copy of that information. That was done in June 2016. So there is a lot of data to support these conclusions besides their own traffic study. It's consistent, I'll say that.

The first point is that Conserve suggests that 25% of the traffic population heading north on Phillips Rd will turn right onto Omnitech Place. The first thing I'd like to point to in this packet, in the appendix there is a letter from the DOT. This letter was sent in 2014 to the people who were looking at putting in Fishers Ridge. The key point there, it says; *NY DOT says it is doubtful related to installing at light at Omnitech on Route 96* which was looked at as part of this. *It is doubtful this would appreciably reduce existing and future traffic impacts at the Route 96/Main Street Fishers intersection.* The DOT two years ago said this was an issue and they don't think it will solve a lot.

The second point, I don't have any clue and cannot find in any of their data how they determine 25%. There does not appear to be any scientific evidence. In deed in the Town's report for the Traffic Engineers, it says Conserve *suggests* 25%. I don't know, it's a nice number, it helps them out but I'm not sure it's realistic.

The next thing is and there is a big *if* here and many thanks to my daughter who helped me put all of this data together. If we would just say for a minute, we'll accept 25%. I'm on record saying that I don't, but if we did, this results in 100 cars being diverted. Right from their data you can see this in Appendix 2 where you'll see that currently there are 17 people traveling right on Phillips Rd onto Omnitech. They are saying with their mitigation plan 117 cars would turn right. So 117 minus the current 17 is 100 cars. Also, in their report to the town, the town says that they reported that 343 employees would be exiting the building and leaving Main St. So 343 minus 100 is an increase of 243. They are not mitigating the traffic.

The second point that they made was to adjust the hours and you heard the Traffic Consultant mention that today. That the peak hours are 4:45 to 5:45. However, if you look at the Appendix 3 which is their traffic data from Phillips Rd/Main Street Fishers there is actually more traffic at 4:30, 335 vehicles than there are at 4:45, 311 vehicles. So it would appear that the peak should be adjusted from 4:45 to 4:30. So if you assume that is the case, all of these 200 additional vehicles that will be leaving, will be in the peak traffic flow.

Finally, the projections and the town commented and said that they went above and beyond because they made projections that were more conservative than necessary. They put in 4%. Well, the County data shows you that the historical increase has actually been 4.3%. So I would argue that their data is not conservative at all. If anything, it's consistent. What that means is if you take the traffic study and first you assume the whole mitigation plan works, everything, it still is an 8% traffic increase on Main Street Fishers. If you assume that even though they change their shifts to 4:30, it's the proper timeframe, then this yields a 32% increase in traffic on Main Street Fishers. And, as we know the service level of that intersection is already a service level "F" which means people wait more than 90 seconds, that's part of the definition of that. So if you look at that, it's very interesting because if you go to the Pinnacle study, when they did theirs they projected that there would be a service level "F" at Main Street Fishers in 2018. Folks this is 2016 and we're already at "F". So that says to me these traffic

studies cannot accurately judge what is happening. We have rapid growth going on here, it's much more significant than our traffic studies are projecting.

In conclusion, there needs to be and this is my opinion, there needs to be a comprehensive traffic study for 2017 that includes all of the future build outs. Their traffic study did all those build outs in 2021. That's a little late folks, because this building is going in next year. I think there needs to be a comprehensive traffic study. I know there is one already going on for Fishers Ridge, this needs to be all wrapped in there.

Second, I have a question for the Board about why, even if the mitigation plan were believable, why should Conserve be given priority over existing businesses that want to expand? Hey, you know, Pinnacle is right there and their Phase 2 is athletic fields. They've already knocked the trees down, everything is already set up to go. Why wouldn't they say, "Hey, we'll put that traffic signal out there and you guys can expand". Why does Conserve get priority over everybody else? I have no idea.

Finally, just based on their data, my conclusion is this project should not move forward at all. They're already adding 8% traffic flow to Main Street Fishers and then there are all of the other mitigating things and I'm not going to talk about them, my neighbor talked about lots of things that become personal to me as a neighbor. This traffic study is personal to all of the residents of Fishers. It is not personal to just us who happen to have this going on in our backyard.

I know that I can't have a moratorium, I learned that tonight but I could request a moratorium on all commercial development approvals until this whole thing is sorted out. Thank you.

Jane Seen from 7682 County Rd 42 Fishers - That's my little itty bitty tiny section in the left hand corner (referring to the site plan) by all of the parking lot that the developers or the applicant or whoever is representing this evening were being so kind to the neighbors and being so considerate not to park near their homes. I was not subject to the Saurer group, I guess it's because we're just that little itty bitty tiny house there by all of the parking. That's my complaint.

Mr. Bill Mendick from MCA Group, we are the developer and owner of Omnitech Business Park and a couple of bldgs on Fisher Station Dr as well. I would just like to make sure I make it public to the Board that I have concerns over the amount of traffic that is being generated by the Conserve project. The road infrastructure is being taxed. I think Amy alluded to a few of the points that I have made. I think the Board is aware of the points that I've made. She did skip over a few things here and there and I do think there are some issues with a 63% mitigation reduction in traffic when you have 1,000 cars, how it gets reduced by 630 cars by changing the hours from 4:00 to 4:30.

The level of service is operating at a level F. If you add more cars to the infrastructure, the degradation of that level doesn't seem to change, it just stays at an F. It seems like the alphabet needs to go on to G, H, I, J, K, L, M maybe. I think it's a lot more than just an F, if it already is.

What was not discussed also is traffic mitigation which we were talked to about and was looked at in the subarea study back in 1999 was the Route 251 out to Route 96 as well. A light had to be installed at that point in time to that intersection. That was approved. We did major improvements to Omnitech Place going out to Route 96 as well as Phillips Road had to be

widened. Main Street Fishers was I think expanded and they changed around the lighting sequence also at 96. So there were mitigation factors that were taken into account we were in charge of having to do. There was a subarea transportation site that we also had to pay for that looked at these things and the other concern that I have is that improvements or the additional traffic being generated that was talked about for the traffic signal at Omnitech Place/Route 96 was for additional improvements and additional development at Omnitech predominately. So the concern that I have is that Omnitech development is being taken away and letting other traffic use that infrastructure that was put into place back in 1999 and there after.

I would like the board to be diligent about looking at this and I think the traffic that is being generated is something that needs to be seriously looked at properly. Thank you.

Elizabeth Leon at 7694 Main Street Fishers – I'm just next to the little house. My concerns echo what everybody else has said and nobody has pointed out that there will be two exit lanes, one entrance lane but two exit lanes coming out onto Main Street Fishers. If any of us want to turn left and go towards 96 at that point in time, we've got two sets of exit lanes coming out. I'm a teacher and tend to get home around 4:00 in the afternoon. The school bus goes by at about 4:00 in the afternoon. I just see this as a traffic nightmare added too. So just doubling and adding onto everybody else's comments.

Mr. Alan Knauff – I'm here on behalf of MCA, the owners of Omnitech office park. I'll just be very brief. Obviously, we're very concerned that this is not just going to be a significant traffic impact here and the mitigation not only is it not going to work, its going to take away our ability to do the planned future development that was already planned for. We do have our traffic engineer here and we do want to have some opportunity to review this and put in comments based upon information in front of the Board. Thanks.

Chairman Dianetti asked for any other comments and there were none.

Ms. Zollo – I can't see the distances, but is the building 100 ft from the property line? Explain the buffer to me. Is it from the property line or is it from the parking lot or the building?

Mr. Vars – There are 3 numbers to those 3 questions. First of all, code requires a 100 ft buffer. Typically, the side setback in the Light Industrial zone is 30 ft. The town recognizing a Light Industrial zone adjacent to a Residential zone through foresight said that a 30 ft setback isn't adequate as it relates to Light Industrial zones adjacent to Residential zone. So the code requires 100 ft so basically its 3 times what normally would be required if it was adjoining a similar zone. So the 100 ft buffer is required by the code that is being provided. The proposed building itself, sits at its closest point 156 ft from the property line. So not only do we meet the 100 ft buffer, the building is an additional 56 ft east of that property line. That's the comment that I had made, its 50% greater than what's required. The code requires 100 ft, we're providing 156 ft.

The separation between the structures at the southwest corner of the house which is in line with the house at 580 Saurer Farms Drive, the separation between the 2 structures is 226 ft. So basically you have 156 ft from the Conserve building to the property line and then it's another 70 ft from that property line to the house at 580 Saurer Farms Dr.

The house at 590 Saurer Farms Drive, if you take a line from the northwest corner and go straight to that house, it's 188 ft from the Conserve building to the property line. So again, the

100 ft buffer, it's actually 188 ft from that corner on the line to the house. The building separation, the Conserve building separated from the house at 590 Saurer Farms Dr is 294 ft. So that's the relationship of how the building has been situated on the site as it relates to the west property line.

Ms. Zollo – And the fire lane to the property line?

Mr. Vars – The fire lane is outside of the 100 ft residential buffer so I guess you could say that it's within the development envelope. It is required by the Fire Marshal, by the Code Enforcement Officer and that is the only other improvement per se that is proposed west of the building because it is required and there is some grading just to the west of that drive for drainage purposes. But that is the only development west of the building itself.

Ms. Zollo – You said that you are looking to have 600 employees? (Initially yes) And are these 600 new employees or being relocated from Fairport or another location?

Mr. Vars – It is to be relocated from their Fairport operation.

Ms. Zollo – So all 600 of those employees are coming from Fairport? (Yes)

Ms. Hogan – Their data says 471 and 128 new.

Ms. Dake – If I could point out, when we say 600 employees, they are not necessarily all driving a car and they are not necessarily coming during the peak hours, that's why it's 471. Right now there are 487 employees that come in at 8:00 in a car in Fairport. I just wanted to clarify that.

Ms. Zollo – Typically, they're going to drive too!

Mr. Vars – No, her point is, what she's saying is of the 600 employees at the Fairport operation, the vehicle trips are 484 trips to get in there. So the 600 people, it's 484 vehicle trips that get the people there. So it's basically not one person per car.

Ms. Hogan – I would like verification on that from the Town Engineer. If you look at the detail study, there is 4 weeks worth of data that was collected by Conserve as to when their employees actually come into work and leave work so similar to a traffic study only on their own data on their own place. It never shows that there are 600 employees, it shows there are 453 to 467, I think is the highest that they ever had. So that is not an accurate statement that there are 600 employees coming and going.

Again, in one of the tables, it shows 472 relocating, it explains what are production and what are non production and that it has an additional 128 employees. The Daily Messenger reported that this project is adding 300 new employees because of IRS collections that they just landed the contract for. So if you take 472 that are relocating and 300 that are potentially servicing the IRS, my calculation says 772 which is also more consistent with why they are now coming back with 700 parking spaces when at the preliminary meeting they told us they would only need 500 – 600. Go figure!

Ms. Evans asked the Board members if they had any comments.

Mr. Santoro had no comments at this time.

Mr. Vars – Jack, we will address the hours of operation and employees for Conserve whenever you are ready.

Mr. Rich Cline, the Chief Financial Officer at Conserve – Some of the numbers we were talking about and employment, currently we are at about 480 employees in Fairport. The 600 was including the projected hiring through next year when we actually move in. I understand that they are talking about this contract that we did receive from the IRS, we're still trying to access the number of employees. Chuck Schumer is the one that said they were hiring 300 employees. We don't know how many we are hiring right now, the expectation is we're going to start off with about 50 in April and then from there we are planning on adding maybe another 50-100 through the end of next year. At this point, it is not anticipated that we would be doing the work for the IRS at the Fairport location or the Victor location. We'd be doing it at a different location.

Ms. Hogan – So again, just to reiterate, the information that I gave you which came from the traffic study stated that 472 employees would be relocating from Fairport which is consistent with what their traffic study results showed that I talked about earlier and 128 new employees would be added which again just has been confirmed by Conserve.

Mr. Cline – And of course it is a lot of estimates, it all depends on the level of actual work that we get in to perform on a daily basis. One of the other things as far as the shifts, I just wanted to clarify that, right now our back office employees, the majority of them work 8 to 5. Our debt counselors who are the ones actually on the phones, we have some that work 8 to 5, we have a 9 to 6 shift and then we also have a 12 to 9 shift. So it varies through the course of the day. We also have a very small shift that will work 3 to midnight and that's only about 10 people. There is very minimal traffic coming in/out at that hour. There is really no planned row for that later shift going till midnight.

I know right now we do not work any weekends but in our job postings we put in that there could be some Saturdays that are worked. However, currently we are not working Saturdays. We do that in the event we do have to meet certain contract commitments to work on a Saturday, we can at least go back to our employees and say this is something that was agreed to early on. Even if we do work Saturdays, it's not going to be 1000 people, it'd probably be somewhere in the neighborhood of 30 -70 people working during that time.

Ms. Pamela Allen – If operations go until midnight and the location of our homes above their building, we'll have lighting in our bedrooms until midnight. Is that your bed time? I don't generally stay up that late. Like I said before, the size of the scope of this project is too big for the area and it's an invasion of our privacy. I think we're entitled to some privacy in our own homes. Finally, the lighting at midnight and the windows on the side of their building that looks into our homes, that's a little uncomfortable frankly. Maybe we could invite some of you to spend the night one night when the lights are on until midnight and see how much you'd like to have that in your neighborhood.

Ms. Hogan – Not to mention the cleaning crews that would be in there later.

Ms. Allen – So you're talking about 2:00 in the morning before we can go to bed in our bedrooms.

Mr. Logan to Mr. Vars – When you talk about phases, I'm assuming you're talking about phases of employment expansion. Are you building the building all at once? (Yes) So you'll have the entire building and Conserve will have it partially occupied, correct? (That's my understanding) It will grow into the balance of the building. I just want to make sure there are not several construction phases other than parking. (Correct) I didn't hear anything Amy, from Fishers Station Drive. Was that studied at that intersection, Fishers Station/Main Street Fishers?

Ms. Dake – We did not include anything from there.

Mr. Logan – I was concerned because the traffic backs up all the way to Phillips Rd and it's right across that drive and right now we don't have a partial double lane. Is that taken into account with your study in terms of expanding that double lane further or not?

Ms. Dake – No it was not. We're waiting for comments from the County as it was mentioned that the County is planning on a resurfacing project and they did do a traffic study. It is strictly a resurfacing project and I don't believe they intend to change the pavement markings that are out there right not.

Mr. Logan – Ok, because when we reviewed Pinnacle and Lehigh Crossing both of them focused on Main Street Fishers and Route 96 but the inadequacy of the double left turn lane for storage during peak hours. Then I heard you talk about hours 8 to 5 versus 8 to 4:30, will Conserve be staggering shifts within that as well? In other words ending a shift at 3:30, 4:00, 4:30, 5:00 that sort of thing to minimize the flood of cars that leave all at once.

Ms. Dake – Based on what Mr. Cline had said, explaining the different shift hours, the main body of workers, the main shift time is currently 8 to 5 and would be moved to 8 to 4:30 so that would be the majority of employees. So if they did not change their shift time, what we estimated was 571 vehicles exiting, making a left turn on Main Street Fishers. With the change in shift time during the peak hours that volume would be 211. There will still be traffic exiting the driveway outside the peak hour.

Mr. Logan – I worked at IBM and we had staggered shifts every 10 minutes. My group had to leave at 4:40 and the next at 4:50, etc. There were thousands of people at that plant.

Ms. Dake – I don't know if they can actually do that here. They have certain hours they do their calling and have some restrictions on it.

Mr. Logan- I guess that's where I was going, how flexible is that operation? OK, I'm clear on that. Concerning lighting that I brought up before, Peter thank you for looking at the building

location and reorienting it. I still think there is some lighting issues and spillage into the next door neighbors.

Mr. Vars asked Mr. Logan to be more specific.

Mr. Logan – If you look at the west side of the building, you talked about a couple of light poles.

Mr. Vars – There are 2 proposed.

Mr. Logan – Can we lower the lighting or put it on the side of the building and using that since it's not a parking area?

Mr. Vars – I bet you we could.

Mr. Logan – I'm trying to keep the illumination to the east, away from the homes. Also next to Jane Seen's house, you have a big parking area. We certainly would expect to see some mitigation on lighting there. As far as hours of operation, if they spill into the evening hours, that you either shut down or minimize because they are all LED lighting, you can cut down extensively except in a designated area for employees that might be working that late for security reasons, probably to the east. I'm just throwing out ideas and my thoughts on this.

I think the only other thing I had; I can't imagine 25% of the traffic going to Omnitech. The light would have to be in at 96/Omnitech and obviously we heard that earlier in the discussion at our workshop for Fishers Ridge. As an alternative or option, I think its coming but don't know when. Is that something that you're proposing as part of this development for mitigation is to put the light actually on 96? (Yes). Thanks

Ms. Dake – That 25% is not only traffic from Route 251 and Phillips Rd, it's also traffic internally from Omnitech Place.

Mr. Logan – So you're not really alleviating 25% of the traffic from that development, you're just pushing some of the traffic that would normally come out to Phillips back to 96 because there is a convenient light there, correct?

Ms. Dake – Yes, because right now what's coming out of Omnitech Place at Phillips, you have 81 right turns and 45 left turns. So a portion of that traffic will instead go out to Route 96. As their traffic expands inside their site, that traffic would also use it.

Mr. Gallina – I see there is still a lot to understand about the traffic. That's probably the #1 concern. Given that this is all essentially an administrative function, have you given any thought to a two story building that would reduce the footprint by 50% and keep all of that towards the east? We're not talking about a factory or warehouse where you're bringing in trucks or forklifts where you would really need ground level. So if you could basically make a second level to the east, you could reduce the footprint by 50%, increase the buffer another 100 ft. Has that been considered?

Mr. LeFrois – But the way the design is for this, there is a lunch room at both ends. It's designed, the parking, there'll be different places where people will come in.

Mr. Gallina – I would still like you to consider it because I think it's a mitigation factor.

Chairman Dianetti asked Ms. Jennifer Michniewicz the Town's Traffic Engineer from Clark Patterson Lee if she had any comments.

Ms. Michniewicz – I will be interested to find out what Amy says in response. One of my concerns is not so much Conserve but what happens if Conserve leaves. Now you've locked in this shift time as something to mitigate traffic. How does the Board carry that on through? Maybe that's a Town Attorney question. Also, looking deeper into the subarea studies to determine if this was something for the town versus something for Omnitech and trying to make sure that if this is planned for something for Omnitech in the future, not to take away something that is their planned mitigation for the future. Without digging into this, I don't know.

Mr. Young – That is one of my concerns. Typically, when you deal with SEQR and land use approvals, the conditions and the measures that you're dealing with for the land use, what's being proposed here is an operational consideration (referring to the shift changes). I am skeptical of how the town could effectively enforce such condition if one was proposed. I would be interested in hearing your attorney's suggestions on that because in my experience unless you're dealing with a Special Use Permit, something of that nature, I'm skeptical of being able to enforce those provisions particularly with Conserve.

Mr. LeFrois – Just to make everyone feel more comfortable, there is about 10 to 1,000 sf...we have a lot of other call centers that are as dense as that. So this is probably as dense as you'll ever get at ----- . If another tenant moved out, it would probably be a less dense use.

Mr. Gallina – Another way to force a shift configuration would be again, to restrict the square footage of the building, saying you can only have X number of occupants in the building at any given time. So that is a way to operationalize and enforce the occupancy based on the sf.

Mr. Pettee – LaBella did issue a letter today dated October 11th, commenting on Conserve site plan application. Regarding the sanitary sewer, the ----- our letter and our findings that some minor adjustments would be needed to the pump station to allow this operation to connect to the sanitary sewer system. There are a number of other comments here that we could discuss at a future meeting. I know the applicant mentioned that they didn't have any real large concerns with the comments in our letter and we look forward to their feedback.

Ms. Evans summarizes – Is there any other direction the Board wishes to provide to the applicant to work on in the next 2 weeks? We heard about lighting, a consideration of a two story building to reduce the footprint.

Ms. Zollo – We didn't discuss the architecture and I believe our consultant did make recommendations of using more natural materials, reducing the banks of windows according to our requirements, we don't like to see those kinds of thing. And some kind of rooftop

adornment, to break that up as well. I think we can make a lot of improvements on the architecture based on our consultant's comments.

Mr. Santoro – I'd like to see more on the traffic issues. I really wasn't satisfied with what I heard.

Mr. Logan – My thoughts are similar to Heather's, using more natural materials. Rich talked about a red brick color, you could actually make it brick which would work better.

Mr. Gallina – I have nothing else to add, I think probably the comments from the architectural consultant have already been provided.

Chairman Dianetti stated the public hearing would remain open for the next time they were on the agenda.

Ms. Hogan stated that at a meeting with the applicant, she asked them to look at moving some of the parking spaces. She understood after hearing the other comments why that couldn't happen but what could be done is other parking spaces could be moved around. *Due to Ms. Hogan not being at the podium using the microphone, here comments were inaudible.*

Mr. Logan – I know that we talked about the layout last time, but was there a thought of making this an "L" shaped building or a corner shaped building pushing more of the parking off to the north and east so you'd have the building wrap around that corner.

Mr. Vars stated that it creates challenges due to the topography. The site rises coming off of Main Street Fishers about 30 ft and then starts dropping to the north. The contouring is basically oval in shape. The building was situated parallel to the contours to minimize earthwork. Any rotation to a north/south rotation, the building starts to get into cuts and fills that 15 to 25 ft where a lot more earthwork would need to be done. The original location of the building caused a cut into the 100 ft buffer.

Mr. Gallina mentioned the idea of a second floor. Mr. Logan requested the applicant to label where the sections were (A, B, C). Mr. Vars explained them and stated that he would.

Mr. Logan – Are you proposing to cut it down that much? (Yes) If you're going to cut it down that much, can't you wrap the building over it?

Mr. Vars – Again, this being at a scale, you're still rotate it where you'll have 20 to 25 ft fills in this.

Mr. Logan and Mr. Vars spoke more about different rotations of the building.

Mr. LeFrois - Basically we are hiding the building, we are pushing it back. Originally, it was going 90 degrees off of the road and when the layout was done, it was extremely challenging with the existing contours.

Mr. Logan - When I go east from your facility at this location, there are some bldgs that are actually in the ground and you only see about 10 ft of the building with lights.

The discussion at this time ended.

Motion was made by Ernie Santoro seconded by Heather Zollo RESOLVED the meeting was adjourned at 10:00 PM.

Cathy Templar, Secretary