There was a Planning Board workshop on October 25, 2016 to discuss the Draft Environmental Impact Statement for the Fishers Ridge project located on State Route 96 starting at 5:30. Topics will be Constructability and Stormwater.

PRESENT: Katie Evans, Kim Kinsella, Cathy Templar, Wes Pettee, Heather Zollo, Al Gallina, Don Young, Ernie Santoro, Jack Dianetti, Joe Logan, Steve Metzger, Paul Colucci, Ashley Champion, Mary Steblein, Debra Hogan, Mitch Donovan, Marsha Senges and Mark Tayrien via phone.

Ms. Evans - We're looking at the FEIS sorted by topics and then significance. Constructability is pages 6/7.

Constructability & Stormwater reported by Steve Metzger

Mr. Metzger – Mary began the discussion of the stormwater topics in a previous meeting and is here to answer any questions.

Ms. Evans – We discussed stormwater on September 27th. We started with the Historic Resources and then moved into the Wetlands portion where Shelby presented. Then Mary started the stormwater topic. The Board didn't have an opportunity to have any dialog on this due to time constraints. Are there any stormwater questions or comments? *There were none.*

Mr. Tayrien recaps – Last time we talked mostly about the base flows to the wetlands and the potential impacts and I think it was pretty complete. What we didn't touch on was the constructability items and to the extent the stormwater that relates to that particularly on that embankment.

Mr. Metzger – This has to do with the constructability of Road B at the bottom of the development of the Bass Pro site. The first question has to do with the method of handling the stormwater just to the north of Road B. Before the yellow parking area there is a strip of land that would be used to transition grade from the parking area down to the road. There's an entrance about half way sort of in front of the main entrance to the orange building where the grades are obviously even because you're driving off the road into the site. But as you head to the west, the road starts to drop away while the parking lot remains roughly at the same elevation. So there is a transition that would occur in that area, the retaining wall and sign as you get to the intersection to help that transition. What's depicted on the drawings that were provided to review, there is some pervious pavement at that last driving aisle. *Mr. Metzger pointed out the areas being discussed on the overhead screen.* There is a curve along the bottom so stormwater that is shooting down is collected by a catch basin along here. There is an infiltration practice underneath this gray area; it might be arches or stone, it's not detailed on the plan yet. But the idea is to infiltrate the water as it comes off and drops below the pavement level and filtrates into the subsurface soils.

The question that was generated was knowing that the whole site slopes down from the Thruway to Route 96, if we're infiltrating here, what's the impact going to be on the sub base of the road as the water drops down and tries to migrate below grade down to lower parts of the site. It's a good question. I think it can be engineered…..there's a solution. It's not

demonstrated to the level of detail on the documents that we have but I think it can be worked out. One of the comments that we have is to make it a condition and review it in detail when they get the detailed engineered drawings.

The other issue that we had was with grading. You have about a 12 ft drop between the retaining wall and this transition but then from this part of the road to the next building site, looking at the concept its on the order of 20 ft or greater. These contour lines, you're stepping down as you go, as this isn't a complete engineered drawing, but I think in concept, the road would be built with embankments. However, shown underneath are bldgs that come right up to the edge of the right of way.

The question was if you built Road B and you're coming back in the future wanting to build these bldgs out, how are you going to handle this grade and what provisions are you going to make now, if any, to support the road before the bldgs go up? Again, the response is that it would be addressed in the geotechnical study and there was a report attached to the response from the geotechnical engineer, ROC Geotechnical. They talked about the different options, the different ways to do the embankment but the specifics aren't there yet and hasn't been finally engineered. The point is we don't have the ultimate detail yet but we feel there could be a solution engineered and worked out at the time that this comes in for review. But again, we would make that a comment and condition that this needs to be properly addressed.

Mr. Dianetti – How many places are we dealing with retaining walls and cut/fill?

Mr. Metzger – I think it's primarily the gray areas (referring to the existing plan) where you have structures. You do have parking areas that extend in there. It would be something to look at all along the southern border of Road B.

Ms. Zollo – As you travel down this plan are we seeing this in other locations too and do we have a cross section of this project so that we can see what it looks like?

Mr. Metzger – Our review is primarily focused on this because this is the part that is being proposed today with Road A and B. I think there is a terracing.

Ms Zollo – We have to look at the whole thing, do we not?

Mr. Metzger – Our comments were focused on the roads that would be dedicated to the town.

Mr. Colucci – We got that comment in addition to getting a narrative from ROC Geotechnical putting together kind of an engineering philosophy in how we could do it. We did do sections through here. This is an engineered site, we know Bass Pro, their footprint, we know what they want as we know this is a future program area that we're planning for environmental impact wise (referring to the Bass Pro phase). How do we work from Road B to the town center? The idea would be that these structures when built would operate as an interface between the upper road and the grade break. That would occur again as we have our next grade break down at the lower terrace where we have this next cross road.

We can do this in a couple of different ways. We can build this road and grade it down with an engineered embankment and come in later and put sheet piling in, excavate, build stem walls that would support structures. We believe this would be a parking garage, these will be

multi storied bldgs that are at grade at the lower end and at grade on the upper end so that there is a pedestrian connection and these are 3 and 4 storied bldgs but they would only appear 2 storied on this side, 4 storied on this side. The same thing would occur here, these would be 2 storied bldgs facing in this way and on this end with the grade change, they would be 4 storied with the bottom story being underground parking where you'll be driving right in if these were residential which we believe they would be. So to design all of that at this point, is not practical. So we're talking more of how do you engineer it, what are we going to deliver as part of the first section, what is that interface going to look like and then what would we do when the next section came in? We're trying to explain that and show that it's possible/practical with engineering design without having to design it right now.

The other solution would be to put stem walls in now with an embankment but I don't know what the future loading is of those bldgs; if they're going to be 3 or 4 story. We're kind of in a balancing saying that we want to get the upper terrace, the road design, the infrastructure in the right of way and then with good planning, we'll come back with engineered solutions. I don't think we're going to preclude the smart and best choice if we do it this way. What we would run the risk of is way over building that embankment and that stem wall for a much lighter loaded building than I may put there in the future.

Mr. Dianetti – Do you have an estimate of the cut and fill in terms of the height from Road B down….

Mr. Colucci – Yes each of these sections that we have showing how the subdivision map is going to break the site out. All of these sections from a grade mass, cut and fill balance on themselves, when you're talking about the number of cubic yards, this roughly balances on itself. So these can be done as individual projects so I don't have to cut the entire project to fill for Bass Pro. I don't have to do 96 acres of cut and fill at once. We've shown an overall grading plan on how this entire site could be graded and we've shown Phase 1 grading plan. We do know what the mass cut and fills are, we know they are on the order of 20 ft cuts and 20 ft fills in places where there are more extreme remnants of the former sand and gravel pit where some of those steeper slopes are. We have a handle on the mass earthwork. This interface that we're talking about here will be high and then low. Right now we would just grade it with an engineered embankment and then when we come in to develop this, we'll engineer whether that will be a retaining wall that we put sheet piling in and build the retaining wall on that side or some other engineered solution to deal with the next section.

Mr. Logan – The phase you're talking about is just the Bass Pro phase and I believe you're still pushing the second entrance philosophy?

Mr. Colucci – Yes. Road A across this upper terrace, build that, grade this because this is likely going to be ------- and what not, if we're going to do this earthwork this wants to happen at the same time. Infrastructure, we'll also have secondary infrastructure coming down that would support…then we need to do the lower stormwater management ponds.

Mr. Logan – What kind of grading in the blue circle are you thinking of doing during that first phase?

Mr. Colucci – Two different schools of thought; we can do nothing in here aside from where we grade over to the edge of where I need to clear and grub and get these grades to tie back off to existing. I am permitting the entire wetland -----, I have to permit it all at once so I'm showing the Army Corp of Engineers and we're finishing the design on this right now, what this whole central water course will look like. Whether we do all that initially, I need to permit it all initially. I'm working with our ownership group and our leasing group because we think that this central water course is paramount to the leasing so that we can show people what its going to look like and why they want to invest and build there. That may be one of the very first things that we develop but I don't know that yet. We're showing that we need to do the offsite, the impoundment, and at the very least I need to grade this back off to this area. I can leave this untouched all the way down to the lower ponds.

Mr. Logan- Is that environmentally prudent to leave that untouched if you're now developing top and bottom but nothing in the middle? Is it going to go all over the place?

Mr. Colucci –The only thing going in that central water course is what I capture off site. There is a very small water shed off site. It's basically the Thruway to about 1,000 ft drains to this culvert and then 1/3 of an acre of the residential area comes to a culvert, comes right through Bass Pro. So I'm going to put a mechanical separator up here and splice it to here and then we're going to build this feature for Bass Pro. The only stormwater that goes into that is what comes off site and what falls into the ground from the sky. I can discharge out of that back into this intermittent ditch and that's going to go on its merry way to right down here until I come back and build this. If we choose to do it that way.

Mr. Logan – So whatever water course treatment you choose between the upper roadway, this side of the pond is going to have to be protected from other earthwork and the eventual startings of that new phase.

Mr. Colucci – Yes there'll be the best management practices, filtration and erosion control, all of those will be required. We're going to permit the whole site and scale our first --- down to an area that I can build, stabilize, close out and then open other intermittent permits on site.

Mr. Metzger – Did you want to talk about this stormwater that is on the site -----?

Mr. Colucci – Steve was showing those infiltrations of what we've done. We've done some shallow or deeper borings. We know where there are zones conducive for infiltration. In an effort to achieve those green infrastructure practices and meet the NYS DEC guide lines, we're promoting, we're showing pervious pavement that would be in the zoned that we're highlighting gray on that map. That is going to flow into these zones, be allowed an opportunity to infiltrate, recharge into the ground during high ground water times; spring, after a heavy rain and then if we get saturated we have the redundant system that's a network of pipes that will collect up to the 100 year storm event and convey it down the hill into these ponds where it will be treated for water quality and quantity ----- and we've demonstrated in the stormwater management report that we can mitigate up to and including the 100 year storm.

So we've given an opportunity to infiltrate. There's going to be times where ground water is high and it's not going. We don't want it to flood so we're putting in pipes that are

going to convey it from the zones where it's running off into the storm sewers and then into the ponds and those get charged back.

Mr. Logan – So if you're talking about in the future putting a steel sheet piling or some sort of sheeting wall to the south of that road, now you're going to set up an underground barrier for water flow through that.

Mr. Colucci – Yes its going to be a natural break we would have to put on the backside and convey that and tie that into either roadside storm sewer…

Mr. Logan - ….I'm talking about the base of the wall on the north side, you're going to be 20 ft above grade where you're driving it, the sheeting will be underground and you can't just install stuff at the base to naturally drain.

Mr. Colucci – The sheet piling will be driven in backwards, you'd excavate, you'd build your stem wall, and you put all of your drainage in. Then we come in and engineer it and fill that back up.

Mr. Logan- So you're going to drive the sheeting behind the new wall rather than just having the sheeting as the new wall.

Mr. Colucci – That's one way to go about doing that. You can put the walls in with your ---- built right into the structure. So there are different ways to deal with it.

Mr. Logan – I'm going way too much into detail at this point but I get concerned about some of the staging pieces of it. The other part of it is when does the road actually get dedicated? I can't imagine supporting dedication before you are done with any work that is anywhere near the roads which would be during future phases so that DiMarco is taking responsibility for the road conditions until that wall and those bldgs are put in, then the Town could accept the road is complete without further disturbance.

Mr. Colucci – I imagine that would be covered based upon us posting a letter of credit and there would be certain conditions of releasing that. If we were to build this road right and call for it to be dedicated, what conditions would we need to satisfy this so that the town could take that dedication. Those would be conditions that the Town Engineer and this Board would place on it.

Mr. Logan – I'm concerned about the abuse the road is going to take in the future for that huge amount of work on the next parcel south. You'd have to have a construction entrance in your scheme at 251 rather than using the other roads, the Bass Pro Dr, then any other cross roads that you're working on.

Mr. Colucci – The idea was that this would be the construction access road (at 96) because we would grade this and would put the storm sewer and water main in that would be necessary to meet the demands for Phase 1. This would be basically the construction haul road to build the subsequent phases once we're ready to dedicate these roads and future construction is occurring, we'd be looking at an alternate access potentially off neighboring properties so that we're not

abusing the roads as you said. That I envision getting into in great detail when the next phases come in and we actually have something truly material to talk about.

Mr. Logan – I just want to make sure that we're not getting too far out ahead when we're talking about that road and these walls and everything else that we can't do something all of a sudden because we have 20 ft of cut to do and now you've got to cut into the built road and then come out again.

Mr. Colucci – One of the other solutions that we've looked at would be to build the wall now. That just requires a little deeper dive into architectural and engineering structural needs for the future bldgs. We think that this is going to be a parking deck, we know these want to be multi storied bldgs, I just don't know the configuration of them yet.

Mr. Logan – But the walls are supporting the road network on that tier, correct? (Yes) So it really shouldn't depend unless you're impacting the walls themselves with the bldgs. If you put an independent wall supporting the road and you build right next to it, it shouldn't really impact those walls so you ought to be able (inaudible).

Mr. Colucci – Yes, you're an engineer….the lateral loading for that horizontal force is being applied versus the vertical loading for a multi storied structure.

Mr. Logan- As long as you're not going to get compression of the soils in the area and settlement and things like that.

Mr. Metzger – I'm sure we wouldn't want a building wall supporting the road. If it was a privately owned building that was supporting the road that would certainly be a detail that we'd want.

Mr. Logan – That's why I said they don't really seem to be connected, the two pieces; the road support and you're supporting building , it should be separate from the walls in the area of the building and frankly whatever you need to support the embankment to provide space down below for parking before you get there.

Ms. Zollo – In anywhere in our paperwork do you have a cross section of this site, what it looks like now and what it will look like with the development?

ACTION ITEM: Provide a cross section of the site before and after development.

Mr. Dianetti – You stated earlier that you are going to be using most of the materials that are native to this area on site, there won't be a lot of hauling off site of materials. *Referring to topsoil.* On other much smaller projects, there has been a lot of removal of material and hauling on the roads and it has been a concern.

Mr. Colucci – A project this size you balance the cut of fill is based on the economics of it.

Ms. Zollo – Did you say that you were moving topsoil?

Mr. Colucci – Topsoil would likely be removed when you strip. If I have 10" of topsoil on the site, there's not going to be 10" replaced everywhere. It's very common that your topsoil is hauled off.

Ms. Evans – If it is hauled to a location in Victor that is not an active mine, it would need Planning Board review and approval.

Mr. Colucci – Anytime I remove topsoil from a site, it's a condition of my SWPPP that it would have to go to another permitted site.

Mr. Metzger – One other comment on the geotechnical and constructability issues, its more of a general comment, observation of other projects in the town where there has been issues and a request that the applicant look at those and provide comments to how this project won't encounter the same…..talking about Tim Horton's, Victor Chevy, and Cobblestone Court seem to be along the same geological formation. That was put out there as a suggestion.

ACTION ITEM: Have the geotech working on this project examine these other sites.

Mr. Colucci – We don't want to lay the whole site with rip-rap, that's not the look we're going for. I think we offered some narrative to satisfy that.

Mr. Metzger – I think maybe a little more in depth would need to happen to satisfy that. The other thing that we wanted to talk about is community phasing and its integrity.

PHASING PROCESS:

Mr. Metzger – This had to do with the sequencing and development and working of the site over time that was mentioned. Mark and I were discussing that. If you came in and you mass graded the whole site at once and only Bass Pro was in place for a number of years and the rest of the site wasn't, what appearance would that have, the aesthetics of the area? I know that Paul had mentioned that he was open to different phasing and ideas.

Ms. Evans – So the question is how does the Board feel about the individual phasing. Paul had provided potential alternatives that the applicant is presenting. Does the Board have an opinion on whether you want to see that central section and another section left in its native state to its fullest extent possible? One of the concerns that have been identified and this particular issue being significant is what happens if there is a time period between the phases. What do you want to look at? How do you want the site to look like? What do you think is appropriate?

Mr. Santoro – I like to see as little of the construction look, if there is actual construction going on, as possible.

Ms. Evans – To minimize disturbance to the fullest extent possible where construction is not occurring. Economy will drive the build out of this site.

Ms. Zollo and Mr. Gallina agreed.

Mr. Gallina – The center portion itself could be a multi year phase. So wherever construction isn't immediately occurring, try to leave as much in the natural state as possible or practical versus driving down Route 96 for several years and looking at a large strip mine.

Mr. Santoro – You can almost see what it would look like now where that mine use to be on the hillside. I can't imagine the whole thing looking like that for years.

Mr. Tayrien – No mass grading of the entire site. Leave the sites for the future phases in its natural condition as possible. No fences adjacent to the roadway so that when you drive up that roadway where you're seeing the developed Phase 1, you see the land pretty much as it is now.

Mr. Logan – I'm still not a fan of the second entrance approach. I don't know why we can't use the Route 251 light as the main entrance to the site up to Bass Pro. It's just as direct and you can keep all of the work in/out the construction entrance separate by having it at the other entrance on 96. Right now it's a construction zone as it is. They've been working on stabilizing the hill over the last couple of years which should have been done when DDS moved out. I could imagine that going on for 10 years and if you use that as your permanent construction entrance, you can keep traffic away from any of that work during the entire period and you have a controlled light entrance, it's a lot safer in my mind. I understand that DOT is talking about extra lanes on 96 up to Lane Rd. It just seems to me that would work well with that approach. I still haven't seen a good justification for not using the 251 as a main entrance. That's my opinion. As far as mass grading, I'm with you on that, not doing mass grading on the entire project.

Mr. Colucci – We offered a traffic reason and Bergman shared some data with Jennifer (Clark Patterson Lee). It wasn't an economic issue as I'd love to build all of the roads now. The logic that we used and the practicality of what I heard in the study was with this user (Pro Bass), they're super regional and the majority of the trips that the traffic study noted is coming from 490 and the Thruway to the site. Our justification is we want the super regional traffic to not mix with the local traffic. This offset is really the local traffic that is using the school district and moving in and around the community and the majority of the traffic is coming in/out of this site with the new signal and I can do my widening here to support this. Once I touch this intersection I have to do everything on 96 and this really wants to be fixed with a cul-de-sac (Lane Rd) and a connection up here.

I think that we all agree that that is a great benefit that we're endeavoring to achieve. But to do this intersection now and bring all of that traffic here does further compound this current traffic issue, it makes it worse. We've shown that from the subsequent analysis that we did.

Mr. Logan – That's just with Bass Pro traffic or other traffic?

Mr. Colucci – Just with Bass Pro. If I don't build this (second entrance) and bring all of the Bass Pro traffic….. I build this, I widen all of this, I can't fix this until this happens then we can cul-de-sac that. This gets really bad because all of this queue backs up. All of these people can't get out so you have queues that are much worse than what they are today. You have further

compounded safety issues with these unprotected lefts out of there. So that's what we offered to Jennifer as a traffic justification of what we've been thinking about from a phasing standpoint of which intersection should go in first. Let's build this and get people use to using this if you're visiting Bass Pro and you're not mixing with the local traffic. Then when we're doing the future phases, we're building this road and then we can cul-de-sac Lane. We're continuing those discussions. We'll continue to dialog with one property that we don't have under control and I think we're making progress there.

Mr. Dianetti – I'm going to build on what Joe just said and traffic and the impact on that. How does your first phase and the proposed development and Fishers with Conserve and Omnitech and that light, how does that effect the synergy of your project moving forward and how is that going to impact the traffic issues? I'm trying to tie it together because there is so much happening at once.

Mr. Colucci – I read Amy's summary for Conserve (Amy Dake from SRF) that was sent over and it sounds like they are proposing putting the signal in at Omnitech/Route 96. That has no barring on anything that we're doing. For Phase 1, we're putting in additional lanes so that you have 2 lanes north/south bound and a center turn lane all the way from Ballantyne where it currently reduces down through this portion for Phase 1. Then the full build out requires that I do that continuation of widening past Lane Rd. Conserve isn't dependant upon our project and I don't believe we're dependent on anything they do. They are offering to put the signal in.

Mr. Dianetti – So your traffic mitigation is phased with your development.

Mr. Colucci – Correct and we've looked at the background traffic that DOT has asked us to take into consideration just like SRF took into account all of our background traffic, filled that into their analysis so you're basically looking at the same data just different proposed mitigation associated with each. They're not responsible for ours and we didn't know until we just read their follow up study that they are offering to put that signal at Omnitech/96.

Mr. Logan- So if the entrance is where you are proposing then you're going to end up getting back to the grading. On the side of that drive, there is still a lot of work to be done. I'm presuming that you're going to take that slope and lay it back so that it's stable and presentable, seeding on whatever topsoil you have on site. Is that a fair assessment?

Mr. Colucci – Yes we would grade this cut which is at 8% then it levels off through the intersections and then climbs again, levels off. So this is the cut and this is the interfacing back here, we would lay that back. It's going to require some engineering. Then its stabilized, we'll look at the soils that we know enough about. Those soils are highly susceptible to moisture, there's silts that are in there. So there will be some engineering reinforcement and vegetation that is established that is conducive to essentially the whole aesthetics we're trying to achieve. We wouldn't propose to do any grading up here until we know what this project is. This is basically a big cut to create a flat area and then essentially taking the top cutting and leveling it off creating a developable area on the top.

Mr. Tayrien – Were you talking about laying it back and re-establishing vegetation just below the road that goes below the Bass Pro parking lot?

Mr. Logan – If you take the intersection at Bass Pro and work your way south to 96 on the entrance road, the left side of that road is very steep, its where the DDS building is. It's been almost vertical for a long time until DiMarco decided to work on it because they were getting all kinds of erosion and sediments onto 96. That all needs to be laid back so that its stable to widen the entrance because right now its only barely 2 lanes or at least a double driveway width. So I can see quite a bit of earthwork being done on the west side of that drive to get that drive working properly and laying it back. So it's taking a lot of the embankment away that DOT didn't take away when they did 96. That is a pretty steep hill to the western most part of the parcel. I'm not sure what the grade difference is when you get to the bldgs and parking area, but it's still pretty tall, at least on the southeast part of that parking area where it looks like townhouses are going.

Mr. Colucci – Right now its showing as a stand alone residential site.

Mr. Tayrien – Would you consider that area as being within Phase 1 or is that in essence where you'll be working outside the limits of Phase 1 to prepare Phase 1 for development?

Mr. Colucci - Road A is certainly part of Phase 1 and the question is what are we going to do to the west and how is that going to be left. I'm offering that it's going to need to be finally engineered on how we stabilize that without rip-rap and laying it back and having something that detracts from the community.

Mr. Metzger – Is your intent is to disturb that holding as much as you need to put the ----- area in and stabilize it?

Mr. Colucci – I don't want to lay this area back and then have to come back and fill it to create the platform for the future developments. So that's going to be laid back as minimal as possible, stabilized with engineered geotech fabrics and different types of systems that we'll explore with our geotech engineer and it'll be part of the site plan review, then installing vegetation and ground cover that is conducive to the environment and meets the town's guidelines.

Mr. Logan – So on the *to do list*, I would add sections through the driveway, Road A so that it shows what the contours are and what you expect it to be.

Mr. Colucci stated that the grading plan shows this. Mr. Logan stated it is difficult to see the magnitude of it looking at contours. He would like to see the sections. Mr. Colucci thought that this was already part of what was submitted.

Mr. Logan described the areas he was interested in and the best that was audible is as follows: *Down to 96 the middle between the road and then another one where the highest part where the DDS building is.*

Mr. Colucci – I sent them to Mark and they were referenced with Appendices in the FEIS. But if

we didn't capture those sections, we can do another one. If it requires additional explanation from the geotech, we can communicate to LaBella and they can advise you, we can do that.

Mr. Metzger – I've seen the profile for the road and it looks like that's been modeled so I'm sure it's just a matter of slicing the model.

Mr. Tayrien – The drawing that was sent to me October 24th was the phase drawing, right?

Mr. Colucci – Yes, I sent over the Appendices that were the geotechnical responses to some of the previous questions that Katie shared with me that we would be talking about tonight.

Mr. Tayrien stated that he had not received them. Mr. Colucci stated he was mistaken, he had referenced them only.

Mr. Tayrien – I'm probably stating the obvious but this comment that we're on now was meant to bring up basically what we've been talking about from an aesthetic and functional viewpoint, in my opinion. Paul has a very positive attitude and rightly so but you always need to look at these things in a "worse case scenario". Here the worse case scenario would be if Phase 1 goes forward and Bass Pro is developed and operating successful and none of the rest of it ever happens. From a planning standpoint, you have to look at it that way so that is why I was asking about where is it laid back, is it going to be in a natural condition, is it fenced, is it seeded because you don't want, if that should happen, people driving in here and having people look at it and it continues to the next area and it looks like something that was started and never finished. I think that includes the conversation of the road, all the way up through there and how that gets dealt with. It doesn't sound like all of it will be left in the natural condition so we probably need, if not now, we should put a condition in that requires some sort of description of how that is all going to happen and how its going to be restored and revegetated in a way so that it doesn't look like something that stopped mid way and never finished.

Mr. Colucci – So this is the overall grading plan that shows how all of the different --- are graded. Obviously, we are going ------ profiles, grades that would then be intercepted with bldgs that would then make up those transitions. We do have a Phase 1 grading plan that shows exactly where the road would come up, where we would tie that off, minimal disturbance. That I think is what we're talking about. We're going to put the infrastructure in and I want to size the storm sewers, the water range for the full program and then stub that into intelligence spots because at the bare minimum, the owners want to increase the value of the entire 96 acres not just 18 acres. So when we do this subdivision and we're putting infrastructure and roads in, we're immediately increasing the value of the land. Should it be fully clear grubbed and pad ready or should this Board choose to just do the minimal disturbance, we're still going to have infrastructure that supports something there in the future. As Mark said, we're optimistic and we believe this mixed use development is going to move forward. But should it not, at some point in time we'll have to come back and state that we've been at this for awhile, this is what we think we can build here and we test that against the findings statement and if that means we need to come back and study something further, that may happen. But at the minimum, we want to put infrastructure in to increase the value of this land. We are essentially subdividing 96 acres into 6 sections.

Mr. Metzger – I hear what Paul is saying and I hear what the Board is expressing the desire to have minimal impact. In my mind I'm picturing a Phase 1 grading plan that Paul mentioned but I don't know that we've seen it but I can picture it showing only disturbance related to the Bass Pro site and the road that goes up and maybe build the ponds and work along the stream. It shows just that and not the future building pads. Would that be something that would be appropriate to receive at this juncture?

Mr. Tayrien – I think that would be very helpful and it would need narrative describing the approach. It's not just the grading, but how to restore it and revegetate and is there any maintenance involved. Is there any fencing, how is it going to be managed and restored after the construction so that it looks complete, is it stable, reasonably attractive? You don't have stub roadways gradually dwindling off somewhere, you have a defined hammerhead or whatever you choose to do. But something that looks like a final project and not one step within an incomplete series.

ACTION ITEM: Requested language of the applicant referring to Mr. Tayrien's comments above. The cross section information mentioned below. Phase 1 grading plan.

Ms. Evans wanted to revisit the cross section conversation to be clear on what the Board needs to see. Sections through Road A, east to west.

Mr. Logan – At the peak area near the lower cross drive and in the middle of the envisioned building area. The 1/3 and 2/3 points between intersections. Near the biggest cut where a lot of contours are being shown on the plan. Phase 1 grading plan for the whole site showing access drive of some sort for trucks on the east side. I see a lot of contours that will be future building up near the road connecting one side to the other but won't be built in Phase 1. In order to have Phase 1 approved, you need to have all your ducks in a row.

Mr. Colucci – When we got the DEIS comment, that's when we produced Phase 1. We wanted to show you the overall impact, overall grading, how the tiers worked together, we did some sections top to bottom so we could look at what the topography would look like, some comparisons and then the DEIS comments came out and we did a Phase 1.

Mr. Logan – As Heather alluded to earlier, we are approving the whole site project but detailed plans for Phase 1 only so we need most of those to evaluate.

Ms. Evans – So you wanted to see through the middle, north to south?

Mr. Logan – We need something from top to bottom so north to south sounds correct.

Ms. Evans – I've noted the highest point in the DDS building. Did we capture that?

Mr. Logan- We'll call it the first intersection up from 96 where the cross street is, that would be one section because that would be close to where the DDS building is.

Ms. Evans – Then I have a description of how the site is going to be built out in phases demonstrating the final project versus one step in a complete series. Then also the Phase 1 grading plan.

Mr. Young – As we begin to talk about the right of ways, I'm looking at the map thinking about a 60 ft ROW and the bldgs being built where they are proposed to be built in later phases, it looks like they are going to be within the town's ROW. We need to think about sequencing when we take dedication of those roads because if we take dedication of the roads before that middle section is built, then when they go to build those bldgs, they are probably going to be built in our ROW. Those bldgs are pushed very close to the road.

Mr. Logan – Who would own the retaining walls, the town?

Mr. Young – Probably

Mr. Santoro – It's supporting the road.

Ms. Evans – I would envision that that would be part of the phased site plan review and you'd have to comply with the setbacks.

Mr. Gallina – Even if we took dedication afterwards, its still an issue. As part of the overall site plan, that should be considered now. It doesn't really matter the timing of the dedication, its still the same issue.

Mr. Colucci – We talked about, obviously Phase 1 Bass Pro permitted use retail, future phases, multi storied, creating a mixed use center, wanting to have a pedestrian environment, minimal setbacks, street front retail, all of these things clash with the code. We talked about redoing the overall program impacts, Phase 1 no need for any type of variances and maybe minimal area variances when we get deep into that. But the ROW that would go around here, yes we would be in violation of setbacks, we would not be complying with the Route 96 corridor overlay that has even greater setbacks. So this would be a candidate for a Planned Development District and working to define exactly how all of these interface with ROWs, what all of the programs are in here. So then we would go to the Zoning Board of Appeals with hosts of variances, we work with the Town Board and Planning Board to define what this town center wants to be and then we work through that. We write the regs and then we don't have to worry about setbacks, etc. So the timing of dedication may come later. Also, I'm envisioning in dedicating the road we build it to a standard that certain maintenance obligations that the town would have and there are certain maintenance obligations that we would have in operating 750,000 sf that the synergies are all dependant on. So we may have a lighting district in our camp or commonare maintenance, we may be responsible for that. The landscape will probably part of our commonare maintenance, stormwater, cleaning sewers, etc. Plowing, we'll probably ask the town to plow the roads. We're going to plow the parking lots. So that I think gets defined when we get further into site plan, we get down to future phases and potentially looking at this with a Planned Development District. Mark, Katie and I have long been talking about potentially doing this as a Planned Development District over the rest of the site. We didn't want to go there now because this a rezoning just for their ----, Bass Pro and further down and I have some obligations

and don't want to loose the anchor because then this project looses its whole character.

Ms. Zollo – Don't we need to do something to protect the town with having this road and this incredible retaining wall holding it, the town does not want to be maintaining that portion should it fail. I think we need to have some protection for the town.

Mr. Colucci – We've offered that we could build the road with no retaining wall. Joe brought up a good point and we're still working with LaBella that the roads could be built without retaining walls. There are structures that are going to be built against the road so we would have obligations to maintain the structures, the town would have certain responsibilities. So we could define that in a maintenance agreement. I've done that in other towns where they do have a ROW into our development, we take over some maintenance responsibilities and the town has some. We just define that so there are private maintenance agreements or other ways to cover that. I'm sure we could work with town council and staff to define that.

Mr. Logan – Or you could treat it like a railroad embankment. When you're building something with the railroad, you take a 45 degree line from the rail bed down and that's where you would start your foundation. You could still support the soil above that with your structure and maintenance but the road is theoretically protected because that 45 degree space is out of the way of the building. I would encourage that as well.

Mr. Gallina – I would prefer to see the concept drawing be completely code compliant. If we're thinking of something radically different then that needs to be part of the Phase 1 approval. We either need to bundle this or decouple it. But it seems we're talking out of both sides of our mouths!

Mr. Colucci – The Phase 1 is co-compliant. We are showing you future program.

Mr. Gallina – I understand but if all of the economics around the overall project are predicated on getting all kinds of concessions, coding relief, whatever the case may be then that may be misleading and the concept drawing should not require that including the future build outs.

Mr. Colucci – I disagree. I think we're trying to show a mixed use development that there is a desire within your Comp Plan. Where're offering something that is the highest and best utilization in a 96 acre versus what I could build on Commercial/Light Industrial land. The avenue to get to the town center in future phases is there, that's the Planned Development District that we would work hand and glove with this Board and the Town Board at some point in time, we've always been honest and upfront. We're showing a program and evaluating it from an environmental impact stand point, we need to define it further and then come back to you.

Ms. Evans – The DEIS identified the desire to rezone a portion of this. We went back and forth with council on this before the DEIS was accepted complete on what to do with this issue. It mirrors the adjoining parcels, what to do with the adjoining parcels. Those discussions did happen. We received this December 22, 2014 and it was deemed complete over the summer.

Something for the Board to consider, I've been listening to the dialog and have been reflecting on other projects that you've reviewed and eventually approved. Think of High

Point…..

Ms. Zollo - ….But that came in as a Planned Development District, the whole thing did it not?

Ms. Evans – I don't know, I can't answer that. So I bring High Point up in terms of road dedication. The town has not accepted dedication of that road yet. I'm not sure when Cancellation was built, maybe in 2012.

Mr. Young – I was thinking of that too. That's what I meant when I said that we need to think about sequencing when we take dedication to the road. Their plans for that area could change. This isn't a designed drawing so maybe they will pull the bldgs back, we don't know. But until that time, we ought to think about when we should take dedication of the road.

Mr. Logan- That's what I was referring to when I said there would be a lot of construction equipment going in and out of that drive, why would we want to take dedication. Even on top of the hill, you're doing all kinds of work from the road to fully access the embankments up and down.

Mr. Young – I think there are ways to deal with it. One way would be to delay accepting dedication and another way would be to have some bounding or letter of credit that is fairly substantial to deal with the issues that might arise or just to accept a portion of it, like the main portion, the north/south portion and not the east/west portion. Something like that, there are ways to deal with that. As far as the zoning, I don't know if that is in the DEIS, I don't know if that substantially changes our environmental analysis of this. They've shown us a concept and we've performed our environmental analysis based on that concept regardless of how it's zoned. It might make sense to mention that part of it may need to be rezoned and then if we get to that point, then we can address it then.

Mr. Metzger – Are the ROWs shown 60 ft wide?

Mr. Colucci – Yes I believe we showed 60 ft

Mr. Metzger – My concern with what Don was saying was if somehow showing a smaller ROW anticipating a future zoning change that would be a comment from development of infrastructure standpoint. I think we'd want to see that. Then outside the ROW if you wanted to propose at some future time getting a zoning variance or develop a Planned Development District or whatever is fine but…..

Mr. Colucci – I believe the only area that we had some conflicts for some future….just kind of programmed bldgs that were within the ROW right now are just pictures.

Ms. Evans – Does the town have any dedicated roads with landscape like the Blvd approach? Because I'm always thinking of maintenance, expenses. Once we accept dedication, we accept that forever.

Mr. Colucci – I think I wrote in the EIS that we envision that there is joint responsibility there.

We would have common area maintenance fees that are collected from all of the tenants because they want this environment. They are going to be paying rent that is commensurate with the type of environment we're creating. The town doesn't necessarily want to maintain the Blvd landscaping.

Mr. Young- That's something we can build into the SEQR that the landscaping extends into the ROW, that the developer maintains it. This can be a condition to the SEQR. We can put that into the findings and address that issue.

Ms. Evans – We have some rather enhanced ROW on High Point where an applicant has really gone above and beyond to install substantial landscaping within the ROW including sprinklers. I asked Steve what would happen if they just abandoned that. We would just disconnect the sprinklers and eventually if it came to that, remove the landscaping. I'm very sensitive to that. I've seen other communities where you've had landscaped islands in subdivisions and the HOA abandons it or you have a subdivision sign that gets abandoned and letters are hanging off and it's in the town's ROW and who's going to fix it, etc. This is commercial so it's different. It's easier to approach it with a maintenance agreement position.

Mr. Colucci – In other towns we have maintenance agreements. Common area maintenance operates somewhat like an HOA, everyone pays into the pool and then we're administrating all of the maintenance and then we reconcile it with them. So it's not a profit center for us and can't be because it's illegal. We have to justify everything we collect and then reconcile with them at the end of each year.

ACTION ITEM - Confirm that all right of ways are 60 ft wide

Mr. Tayrien – There's one thing we didn't talk about. *Applying sustainable initiatives. The FEIS should also provide a description of how the project contributes to an equitable and sustainable environment for all age groups. Such a description might describe how or whether the project provides more transportation choices, promotes housing choices and whether the project enhances economic competitiveness within the community.* So when I went through the DEIS and the FEIS that is now before you, the FEIS and the information that Paul and his team has provided us didn't say anything about the housing choice or the economic competitiveness, so I flagged it.

Mr. Colucci – I picked up on that yesterday, I emailed to you and Katie, I think I just need to go back to our market study and with my partners back at DiMarco and get you something relative to the residential housing component and how we're proposing to develop that.

Mr. Tayrien – Ok thanks…..I'm satisfied if the Board is satisfied.

The members of the Board indicated they were satisfied.

Ms. Evans thanked everyone and closed the meeting at 6:55 pm.