

A Planning Board workshop was held on November 9, 2016 for the Fishers Ridge project with the following in attendance:

Jack Dianetti, Chairman; Al Gallina; Heather Zollo; Ernie Santoro; Joe Logan; Wes Pettee, LaBella Associates; Mark Tayrien, LaBella Associates (conference call); Jennifer Michniewicz, CPL (conference call); Kim Kinsella; Cathy Templar; Donald Young, Boylan Code; Paul Colucci, DiMarco Group; Ashley Champion; Frank Dolan, Bergmann Associates

Mr. Pettee – (inaudible) in response to where we were at the end of the last meeting where the Planning Board had some questions about the grading proposal and the slopes and sections of soil profiles and so forth. Mark, is that accurate?

Mr. Tayrien – Yes, that's completely accurate. So, let me just say, first of all, with respect to this first Paul Colucci presentation, we are trying to limit the time because I think we have a pretty full meeting but we thought it was important to respond to a lot of the questions that were coming up. So, like Wes said, tonight is the last workshop meeting before we turn around and submit to you a revised FEIS for your consideration. So, that's going to happen later in the month. The schedule is to review that in a workshop, preceding your meeting on December 6th and then potentially, hopefully, adopt it on December 6th. So, it's important we come to some sort of understanding of where you are headed as a board so that we can then get that together. Then later in December we will go through a cycle where we provide you a draft set of findings to review and then adopt that but that all happens on December 20th. The actual conclusions about approval or not approval and conditions you might impose, that's in the Findings, it's important that we have the basis for that in the FEIS. You don't really have to be making decisions tonight, but tonight, especially with respect to traffic, if there is something that you feel is missing or something we haven't discussed that's not in there, that kind of stuff is going to be important for us to know so that when we go back and revise this document and will be submitted to you later in November, there won't be holes in it. That's all I wanted to say.

Mr. Pettee – Thanks Mark.

Mr. Colucci – With that, I guess I'm up. Mark, it's Paul Colucci. Thanks for giving me the opportunity to kind of run through this with you. I told Mark I promised that I would be 15 minutes or less. The handouts you have in front of you and the overhead here pretty much goes hand in hand. So, what I wanted to do is run through those real quickly. The very first sheet is the Phase 1 grading plan. We talked a lot about that at the last meeting and previous meetings which was show us the Phase 1 grading plan. This was actually in the FEIS as exhibit FEIS 3. We prepared that. As I said during some previous meetings, we have the ability to do the site work for Phase 1 and in a manner that would only disturb the limits of what we need to deliver the road, the storm sewer infrastructure at the bottom of the project and the Bass Pro parcel. That first page is a Phase 1 grading plan. It shows us installing Road A, Road B up to and just passed the Bass Pro entrance to the east, grading that parcel and the following exhibits are going to kind of show you sections. There was discussions of the sections of what are the cross sections through these areas as we are cutting into slopes and delivering roads and what's that going to look like.

The red indicates limits of silt fence. It was just a highlighted area that didn't make it over the scale that this was printed at. It's essentially of where we would be putting silt fence for erosion/sediment control purposes.

The next three are typical sections and those follow the order – just to draw your attention, to where these sections are. There are three typical sections. Section AA, Section BB and Section CC. On the next sheet, the 4th sheet under that blue tab, is the overall site plan and where these sections are located. So Section AA is on that lower road. Section AA was drawn right through this area. Section BB was drawn right across here and they are faint on those sections and then Section CC was up here.

These also were in the FEIS and we were talking more kind of abstract about them at the last meeting so I wanted to print these, pull them out, talk specifically about them because we had a lot of discussion relative to how buildings are going to be placed adjacent to roads, how are roads going to be delivered during the first phase and what would be left as we transition back to existing grade. So, rather than put everything and flip through the DEIS and FEIS, I pulled these out.

Section AA is that cross section which would be right through this lower tier. The idea here is we have several terraces. We have a high terrace, which is the Bass Pro parcel. We have a middle terrace and we have a lower terrace. So, this is showing that when we deliver the earth work for the stormwater management facility down here and then we get into doing this portion, the grade change between the upper and the lower is going to be made up by a building, a two-story building on one side, on the up-slope side, a four story building on the lower side. So, we are showing kind of a typical section on how that would be dealt with. Now, we are not proposing to do this during the Phase 1 but when we come in with a subsequent phase or maybe we are doing this tier here, we would be grading as such that this would be a higher elevation, this would be a lower elevation and then at some point in time buildings are going to be built in here to make up that grade change.

As you can see on the fourth page, under this tab, that section, Section AA profile, shows in the top right hand corner, existing grade down here and we would come in and we would be putting a building there. This BB is the section through Road A and we talked about how we are going to grade back to existing and what level of disturbance we have here. We have notes relative to erosion sediment control, how we are going to put geo-textile fabric, what slopes, what seed mix, these are methodologies on how we prevent us from what I think has been deemed a gratuitous use of rip rap to stabilize slopes rather than looking at trying to create more of a natural slope after we do these phases.

The one that was probably most debated last time – Joe & I engaged in a lot of dialogue is Section CC which is if we build this road and we build Bass Pro's parcel, and we have this road that is fronting on Bass Pro, we have all these site finishes done, this is a future phase, how are we dealing with that? So, I'll draw your attention to Section CC which is a cross section drawn through the Bass Pro parking lot that infiltration, pervious pavement area that we had at the very south limits of their parking lot, then that goes through the road and into a future section. So, we are saying yes we know this is going to be high and this is going to be lower, we would be able

to deliver that road, grade this back down to existing, to the minimal extent to the disturb for Phase 1 and then when we come in to do this section, we envision that this is at some point in time going to be a two tiered parking garage and these buildings would be built, not right up to, but just off of the right-of-way. So we are showing in this Section CC where the right-of-way limit is, where a future building or parking garage wall would go and how we would keep that out of the right-of-way, how we would keep it out of what we believe is a zone of influence, and how we could deliver the road and then come in and construct improvements up to it at a later date.

Mr. Tayrien – Are you looking at CC1 now?

Mr. Colucci – Yes, CC1.

Mr. Dianetti – I keep visualizing a four story building with two stories built into the side of the hill on one side. Is that what you are talking about?

Mr. Colucci – Yes.

Mr. Dianetti – Is that doable?

Mr. Colucci – Yes. So, Section CC1 which is what I think all of you have in front of you, that is kind of what we talked about last time relative to that upper tier road, how do we build that and how do we come in at some later date and construct adjacent to it.

Then, the last exhibit in that series is the location plan that shows where all those sections were drawn through and then in the upper right hand corner of your handouts are the actual sections as they were drawn. So, up here AA1 is drawn right here, BB which is drawn through this slope section and this is showing what the existing grade is, how this would be graded – now this is showing the full grading plan. Our Phase 1 grading plan cuts all this off about half way up the slope, so this section would just taper back up to existing, we would stabilize it with those methodologies that are shown on the typical section and then when we go to do the next section and we know exactly what we are building up here, we will have an engineered site plan and we'll come in for some future site plan approval that we would get more into the actual engineering methodology and how we would bring those two interfaces together. Then that last section through Road B, CC1 is showing here is the back of the Bass Pro parcel so this section is drawn across Bass Pro's parking lot...

Mr. Tayrien – Could you speak up a little bit.

Mr. Colucci – Sorry Mark. I'm just going through Section CC and with an arrow drawing it through the site plan showing them where the centerline of the road is on that section and then how we taper back to existing grade. So, in this particular location, as we draw this section, we are tapering back down to existing grade pretty much in a cut section. When we do the future full grading, we are going to drop that elevation so that we have access to this parking tier off the lower – this is climbing up and then as you turn down this road here, I've got to be able to get people to this parking lot without....

Mr. Tayrien – Did you talk about the overall earth work exhibit drawing – the one that has the dotted green, blue and red lines on it?

Mr. Colucci – Yes, that's the one we are looking at right now.

Mr. Tayrien – Okay.

Mr. Colucci – And the sections are drawn in the upper right hand corner, existing and proposed.

Mr. Logan – I think you are talking about the next page.

Mr. Tayrien – I'm probably anticipating, I apologize.

Mr. Colucci – So, I want to keep moving but those are the sections. You have them in this handouts. Those are in the FEIS today. There is also a geo-technical narrative that supports these relative to the engineering means and methods and as Steve Metzger said last time he was here, there's an engineering solution, the exact details of that still need to be vetted but from an environmental impact, at this point, we feel like we have provided the information that would be able to give the board enough basis for a decision there and then when we get into site plan, we will review it further.

Mr. Logan – So, Paul, I'm looking at Section CC and on page (inaudible). So, Paul is showing the future proposed retaining wall which will support the slope which would, in turn, support the roadway and I think the conversation we had, Paul, at the last meeting was that the Town would not end up owning that retaining wall, correct?

Mr. Colucci – Correct.

Mr. Logan – But the issue, I guess I have with it is it is very close to the edge of pavement and if you take a one on one slope from the top of the slope down to the bottom of the retaining wall, it actually is much further along out into the site then the bottom of the retaining wall. So, that means that you are required to have – if the slope started to fail or something started to move, it would invade the road structure because it's within that 45 degree influence line. That was the issue I think I had, as we were discussing it last time and the fact is the town would be forced to rely on the owner, whoever owns that wall, whether it's DiMarco forever or if it gets sold at some point, to maintain it in order to maintain a town dedicated structure/facility.

Mr. Colucci – What I think we are showing on the sections as I drew it through existing and proposed grades is that road is generally in a cut section so it's going to be supported by the vertical load. At some point in time, yes, we do want to put zero setback, for the most part, buildings to create this town center so there is going to be improvements constructed up to but not inside of the right-of-way.

Mr. Logan – Well, that's not my point. I guess my point was more of a structural nature and that is the slope would not...you'd have to have the retaining wall to support the road base because

those loads would end up impacting the wall design whereas normally if you are going to support a flatter slope, the wall would be designed to support only the slope itself. You are not getting the influence of live loads on the road section. You are only getting the impact of the soil loads outside that 45 degree envelope from that edge of pavement. So, now you are forced to have a wall to support....

Mr. Colucci – Maybe. Again, we don't know. It's program. It's drawn as a Town Center. We believe that there is market and that's what we want to pursue and that's why I'm saying at some point we are going to get into that actually engineering.

Mr. Logan – It's not the engineering I'm worried about as much as it's probably more of a legal thing and that is they are required to maintain that wall and if there is any kind of movement, it needs to be addressed immediately because otherwise you are threatening the structural integrity of the road section.

Mr. Young – That's the same thing I brought up at the last meeting was that when you are putting the buildings that close to the road, what happens if the retaining wall doesn't support the slope or the road and it starts to crumble and your road starts to break up. I'm not an engineer so I don't know how accurate that is but there are some options ranging from posting some sort of security that can be tapped into if there was an issue to coming up with some sort of maintenance agreement.

Mr. Logan – That's really more where I was headed. We want to make sure that we protect the Town's infrastructure, whether there are water lines in there or the road itself. If you start getting movement, we should have an agreement that also recognizes the need for inspection and oversight of that once every couple of years like we do bridges. That sort of thing.

Mr. Colucci – I think all of those are reasonable expectations from the Town if it's going to be a dedicated right-of-way. You have an interest. We have an interest in whatever asset we are building there as well.

Mr. Santoro – There will be bonds posted, won't there?

Mr. Colucci – Typically they would expire based upon some....

Mr. Young – Inspections or after two years.

Mr. Colucci – But to Don's point, maintenance agreements are filed against the deeds and those can be written and drafted where there's language that gets the town comfortable and, again, we are not going to push for dedication of these roads earlier than they need to be also – until there's enough assurances from the Town that they are....

Mr. Logan – 50 years from now you could get a wall moving. Somehow, whoever the owner is, at that point in time, needs to be (inaudible).

Mr. Colucci – Sure.

Mr. Logan – That’s where I was going.

Mr. Young – I think it’s definitely an issue we need to address and I’m not sure sitting here right now what the best way to address it is but I think it’s something we certainly want to deal with.

Mr. Colucci – We did it in Penfield as a private maintenance agreement where the Town maintained the right-of-way as the entrance to our plaza because it also served the public at large on the plaza and we drafted a private maintenance agreement where we have certain responsibilities but the Town maintains the right-of-way.

Ms. Champion – I think the way – just following up on Paul’s comment – we handled it in the FEIS for Baytown Plaza. At the time the road was constructed, prior to offering and accepting it for dedication, the applicant would work with the town on a mutually agreed upon maintenance obligation and we can add in something specific to your point, including provisions for maintenance of any retaining wall and the town can add in some provisions. There are ways to do it to make sure...

Mr. Pettee – We are looking to wrap up this component of this part of the discussion. We understand a little bit of the concern about the roadway and potentially a private maintenance agreement for the right-of-way and the wall and so forth. Do you have any final thoughts?

Mr. Colucci – So, real quick, there was discussion of a section through the overall site and under the pink tab, there’s a site plan from the Thruway to Route 96, about 2,300 feet. There’s a section line drawn and in the next exhibit is that shows existing and proposed grades. Generally our whole goal has been to try and mimic existing topography as we develop this, as I said, from different tiers. So, you have the Thruway to the far left centerline, you enter the site, this is the back portion or the closest portion of the Bass Pro building to the Thruway right-of-way – the front of it. Bass Pro’s parcel slopes away. We have that right about in here and the centerline of that upper road. Then we have the middle tier which is the Town center and then we have the lower tier as you drop to the lower road and then the ponds down towards Route 96. So, I don’t have structures in here but just showing what that grade is as we go from upper to lower. It’s a half mile and it drops 160’. So, that seems like a lot until you stretch it out over a half mile and then you say, we looked at it as an advantage to the site so that we can develop it and make it really interesting.

The next ones are just screen shots of the digital model we created that, again, show, that upper tier, the middle tier and the lower tier with the ponds. The residential off to the left which sits up on its own tier. This model takes into account the topography of the surrounding area. The actual topography and grading of the site and I just grabbed a couple of screen shots to show you how we are looking at this. We’ve really studied a lot and what I offered was to have everyone go and see the Fishers Ridge office where I have the model and everything. This is kind of an effort to give you a sense of the tools that we’ve been using to develop this site and how we are looking at embracing the grades and embracing the topography that’s there so it’s an asset to the community and to the development.

I'm not going to spend any time really going through it but that last piece is just the concept package as we've worked over the years with our land planner who is also our architect. At your leisure, flip through that. There's photos of the models in there. There's sections drawn through the site. There's kind of a story board on how we have developed what these different areas are going to be themed as and how they are going to be merchandised. I offered that so that you can get a sense of...we're not slapping at this and just trying to put up a Bass Pro, we are looking at this holistically and saying how do we interface the next phase and how is that really going to look. There needs to be engineering that will follow and we'll get to that point but I wanted to just represent to you and offer to you some of these tools that we've used as we've tried to plan for an develop the site.

Mr. Pettee – Thanks Paul. I think our next topic is transportation. I know that Jennifer is our traffic consultant and I think there has been some coordination between Jennifer and Mark and I wanted to let Mark go ahead and chime in and start the discussion, if that's appropriate? Mark, are you ready for that?

Mr. Tayrien – Sure. Let me just tell you what I think we are looking for. We've already talked about traffic. Jennifer and I have compared notes a couple of times. We may be done with traffic or close to it. We're not quite sure. Here are the open questions that we have as your consultants as we are trying to put together this document together for you or a revised document. What, if any, additional traffic related information or clarification does the board feel should be included in the FEIS before issuance? You are going to have the opportunity to review that later this month but we have to deliver something to you. There may be none but we don't want to come up with something in the 12th hour that suddenly we are behind the 8 ball and we lose a couple of weeks or a month because then we've got to go back and revise the document again because there is an important topic that wasn't addressed.

Similarly, in addition, is there traffic related analysis that you folks feel is important that is not in the FEIS presently or we haven't talked about because, as I said, it's got to lay the foundation for the Findings.

I'll just tell you, and I'm going to go over this in a minute, we talked about these measures that we called the middle ground and I think we termed them the fringe or something like that later on in the discussion but there were some measures, I think I remember Al noting that it didn't get to the heart of the matter but arguably improved the project. Both Jennifer and I had the impression that the Board really didn't view those real favorably, which is perfectly fine. We just threw them out there as topics for discussion. I just want you to know that was kind of our take away.

If there are conditions and/or interim measures, things that are not going to happen right away but may be imposed as conditions later, we are going to have to develop some triggers for those. Jennifer and I have been talking about that. That probably, I'm guessing at this point, is going to amount to Jennifer and me talking with the project sponsor to propose something that seems reasonable to us.

So, from our perspective, that's kind of the focus of tonight's meeting and then I thought maybe to prime the pump, I would just quickly as I can, reiterate what we hit on so far just in very broad terms. Is that okay, Jack and Wes?

Mr. Dianetti – Yes, that's fine with me.

Mr. Tayrien – Okay. So, Cathy, while I'm talking, if you could get that power point that I sent you that had Jennifer's slides on it, if you can get that up and there is a slide in there, I think it's the first slide that says proposed mitigation. I'm probably going to talk about these in a different order but they are the same elements.

So, we talked about mitigation. I'm kind of going north to south. There's the real time traffic message signage on I-490 and I-90. I'm not actually clear if that's Phase 1 or at full build out. I think it's Phase 1 but can somebody from the project sponsor's team clarify that. Are you proposing that as Phase 1 or full build out or a subsequent phase?

Mr. Colucci – Mark, it's Paul. That component was triggered by full build out.

Mr. Tayrien – Okay. So, the next one I have is the re-timing of the signal at Main Street Fishers at the Route 96 intersection. My understanding is that is Phase 1 and ongoing, obviously.

Mr. Colucci – Yes, that's correct.

Mr. Tayrien – There are additional lanes that we all know about from Route 96 at Omnitech Place down to Lane Road. Our understanding is the widening is going to be done all at once as part of Phase 1 but obviously the lanes are not necessarily going to be in use because there is going to be stripping so the lanes will probably only actually be in use down to access Road A when that's developed and re-stripping it so that they are in use down to Road B and the 251 intersection will come later and then later to Lane Road.

Mr. Colucci – So, the widening on Lane Road and the additional lanes on Route 96 would be phased. There is a Phase 1 component with Road A and adding the lanes to allow the dual lefts in and the signal at Road A and then when we do Road B, opposite Route 251, there would be a second widening associated with that.

Mr. Tayrien – Okay, not just stripping but actually laying of pavement and all the rest of it?

Mr. Colucci – Correct, physical construction of widening it.

Ms. Michniewicz – Would it be possible for the project sponsor to put together a figure for the FEIS that actual shows that because right now the Phase 1 site plan shows the actual site layout but it doesn't show what's actually being done on Route 96. Showing that in a drawing layout would clarify things quite a bit.

Mr. Colucci – Yes, we can show a phased off-site mitigation on Route 96.

Ms. Michniewicz – That widening at Lane Road – what you are doing on Route 96 is shown in the overall drawing for full build out but there's nothing in there to show Phase 1.

Mr. Colucci – We can do that. We can put that together.

Ms. Michniewicz – Thank you.

Mr. Tayrien – So, going on, there's a traffic signal at Road A that obviously comes in with Road A at Route 96 there. There's also some left turns there. Left turn lanes – the passage I found indicated there would be a single left turn lane constructed at Phase 1 and a second one at full build out. There are turn lanes at Route 96/Route 251 intersection. I'm assuming those are only when that Road B intersection is built out.

Mr. Colucci – Correct.

Mr. Tayrien – There is a right turn lane on Lane Road. Is that part of Phase 1? That must be later.

Mr. Colucci – I believe that's later when the volumes warrant it. I mean on the disposition of Lane Road that could go away and be cul-de-sacked by the time we get to full build out.

Mr. Tayrien – And then the final one I have on my list and I don't know if all of these are on the slide, but all 7 of these are on my list, real time traffic measures on Route 96 in the Village involves adjusting signal timings, signal sensors and real time information displays. But that's the list of mitigation that we talked about this far as far as I know.

I've got a bullet list of a few other factors or facts that either surfaced during the review or were already known and were kind of dredged back up or overlooked earlier. The first one is the DOT didn't seem...they seemed to less impressed with the benefit of those real time traffic measures that I mentioned then maybe was forecasted or eluded to in the DEIS.

DOT confirmed that there is no plans or opportunity for further improvement at the Main Street Fishers/Route 96 intersection. That's mostly, if not completely, a matter of physical constraints. This was distributed with the first memo that came out last week, there was a table submitted by Frank Dolan that described the Phase 1 impacts at the Main Street Fishers/Route 96 intersection which were relatively minimal compared to the impacts at full build out.

There is in the DEIS an assumption that Omnitech Place will eventually be signalized at Route 96 and that's the responsibility of others. It's been subsequently determined in the past few weeks that that's not actually the case. Omnitech is not actually on the hook for that. They definitely have some interest in doing that at some point should they want to expand their existing development or perhaps this Conserve development, if they go forward, would but at this point nobody is obligated to put that signal in at Omnitech Place.

We have another slide of unavoidable impacts. Why don't you turn to the next slide, if you haven't already.

Mr. Pettee – We're there.

Mr. Tayrien – On my list I have the intersection of Route 96 and Main Street Fishers, the re-timing will not address the issue and you can't add lanes. Signalized intersections in the Village, the real time signal adjustment will not address the issue. There is still going to be a problem there, some impacts. Omnitech Place without a signal, there could be long back ups on Omnitech Place waiting to exit onto Route 96 because of the additional traffic volume on Route 96.

This is somewhat redundant. The real time traffic message signs on I-490 and I-90 will not provide significant results as the toll booths for I-490 are at capacity according to DOT. Intersection of Route 96/Lynaugh – diminished levels of service there. DOT is reviewing that intersection.

Jennifer had provided a list of other intersections that would have some diminished level of service, perhaps not as severe as Main Street Fishers or within the Village but they include Lane/Church, Lane/High, High/Willowbrook, and High/Gillis.

So, that's the list of, after we talked about mitigation, that's the list of what we have been terming "unavoidable impacts".

Then Jennifer had proposed or suggested these 7 middle ground responses to constraints and unavoidable impacts that admittedly did not get to the heart of it, as somebody indicated. So there was constructing Road B at the southern entrance before Road A. There were some good reasons given for not doing that including the queuing blocking Lane Road, it locks the flexibility it would impose on the subsequent development of those phases. The Lane Road cul-de-sac, signal at Omnitech Drive, adding an east/west road from Willowbrook to Fishers Ridge, extending Willowbrook Road south from Rowley Road to Route 96, adding "Bass Pro" signage to I-90 and adding sidewalk or other complete street provisions to accompany Route 96 widening.

Ms. Zollo – I have a question about the signal at Omnitech. Have we taken into consideration the blocking that a signal at Omnitech would do to the existing businesses on Route 96? There are multiple curb cuts along the west side of Route 96 there that I think if a light is put in there, it's going to cause problems for people getting in and out of those properties. I didn't know if that was something we had taken into consideration.

Mr. Tayrien – I'm deferring to Jennifer because I don't know the answer.

Ms. Michniewicz – That has not been taken into consideration. I know that Conserve is looking to put in that signal. If they were to put that signal in, it would have to be permitted and authorized by New York State DOT. We haven't dug into any of that yet.

Ms. Zollo – So, DOT would consider that before they would allow that light?

Ms. Michniewicz – I don't know if they would but that's certainly something that the Planning Board could ask and I could look at that.

Ms. Zollo – All right. Thank you.

Mr. Tayrien – So, when you asked the question, I was about to say that my intent with these 7 middle grounds is to put them in the FEIS along with their pros and cons. Not necessarily expecting the Board to give a thumbs up or a thumbs down on each and every one of them before the FEIS draft is turned around to you and I think that's probably the most reasonable approach is to be honest about them. These things were discussed during the deliberations, that they all had pros and cons associated with them and some of the cons are pretty extreme, such as the property is not owned by the project sponsor. So, I will add this to the list of cons for the signal at Omnitech Drive.

Ms. Zollo – Thank you.

Mr. Tayrien – That's really all I had in terms of priming the pump by reviewing what we talked about. Obviously there was a lot more said but that was kind of the sum and substance of what we went through with the proposed mitigation factors, the impacts that will remain, and then these 7 kind of middle ground suggestions, call them what you will, that came up and were discussed.

I don't really know where to lead the conversation from here, other than to just simply check in with the Planning Board and see if there are other topic or do you feel the topics that we've already discussed, that there's been a complete consideration and discussion on them? Are there topics that you'd like to discussed that haven't been brought up? Are we missing something?

Mr. Dianetti – Mark, from my personal experience, when flow gets stopped in one direction, it goes in another direction. So, if we are saying that a lot of this traffic impact can't really be mitigated and it's got to find a different direction, that direction is north/east out onto High Street. That's the way it appears to me when I look at it. I'm wondering what can be done in that direction to mitigate some of the traffic? It just seems like we are banging our heads against the wall here on 96 and keep talking about mitigation but the answer seems to be that there's nothing that really is going to solve the problem, not individually or in total.

Ms. Zollo – So, are you proposing that....

Mr. Dianetti – I'm just saying that I think that's where the traffic is going to try and go.

Mr. Gallina – That's where the impact will be felt.

Ms. Zollo – Right. Which is a residential type road.

Mr. Dianetti – So what do you do there? How do you address that?

Mr. Gallina – And school.

Mr. Tayrien – One possibility that Jennifer and I talked about earlier that involves the signal at Omnitech and that is if Omnitech were signalized, for whatever reason, whether it's in response to Omnitech development or Conserve or respect to the additional volume on Route 96, it's going to make it difficult for people exiting on Omnitech trying to turn north on Route 96. When that signalizes, there's likely to be some re-distribution of traffic in the Route 251/Phillips Road area. In other words, people who are now going out to Main Street Fishers, if its signalized at Omnitech and they find that's a more attractive route, there may be some "recruiting" of traffic that would otherwise go out to Main Street Fishers. Some of it may come down to Omnitech Place if that's a viable alternative to them.

Mr. Santoro – Mark, assuming that we approve Phase 1, are we going to have the ability to review the effect that Phase 1 has had before approving another phases?

Mr. Colucci – Yes, we've offered that.

Mr. Tayrien – That's a really interesting question. Actually, Don is probably sitting there looking to me to answer it.

Mr. Young – Yes.

Mr. Santoro – Paul just said yes.

Mr. Tayrien – If you disregard, for a moment, SEQR, the answer is definitely yes. When you start talking about SEQR, the somewhat odd thing is that SEQR requires us to do a review of the whole project now so there are probably steps we can take to ensure that we've preserved that opportunity but it is also possible, when you go through SEQR review like this where you are reviewing a whole project, from a reviewing agency's standpoint, it is possible to foreclose opportunities like that by drawing conclusions now that can be difficult to rebut or overturn later on. It's a really good question. It's something we should watch very carefully.

Mr. Pettee – Mark, if I recall correctly, the Planning Board had a project, Pinnacle Athletic Campus, you might remember, where traffic was certainly a concern and there was a condition placed in the SEQR Findings Statement that an additional traffic study be done prior to any construction of a future phase or review and approval of future phases. Is that something that we could do in this instance, as well?

Ms. Michniewicz – Mark and I had talked about things like that and we're trying to figure out that yes, they can go ahead and do the study, but trying to figure out to what end? For example, at Pinnacle, one of the things that we had in there was if a traffic signal was warranted at the Route 251/Phillips Road intersection, then that is something that the project sponsor could help to build. What are we looking for from Fishers Ridge to do? We can, of course, have more studies, but there's nothing beyond those things that we've laid out already as far as mitigation, what is this study meant to do?

Mr. Young – So, to build off of that, on Pinnacle, or on this project, what I think we should aim to do per SEQR because we are supposed to study the entire project up front is do our best to project the traffic up front and project what mitigation measures that are available to us we can implement and then perhaps, and this is what we did at Pinnacle, at a certain percentage of build out, maybe at the end of each phase, we check the traffic studies and make sure that our mitigation measures are in line, confirm that we need what it is that we found we needed or perhaps we don't need it at that point in time or at all and I use the example of the traffic signal, like Jennifer said, is it warranted. We may think it is warranted now so we say at 50% build out, let's do a traffic study and confirm that the warrant is indeed needed.

I think we want to make a plan of attack up front and then if we want to use the traffic study as a tool to confirm our plan of attack at a later date, once we have more data, we can certainly do that.

Mr. Colucci – Don, if I can....

Mr. Tayrien – I agree 100% and if you think about a hypothetical scenario where one of the interim measures or conditions is completing a future traffic study at some date and it comes back and the information in the traffic study is very different from what was forecasted during this review in a much worse, for example, I think there's even and I don't want to stand Paul Colucci's hair on end, but there's even grounds, in a situation like that, for it then having a supplemental EIS because you suddenly got new information that wasn't available when you went through the review the first time through.

Mr. Colucci – So, Mark, it's Paul. We sent a memo that's entitled Fishers Ridge FEIS Updates to you and Jennifer and a lot of it has touched on this subject that you are talking about relative to traffic, what was studied in the program, what is proposed for Phase 1 and future development, how we would deal with that because we are offering you a Phase 1 traffic mitigation solution and Phase 2, I don't know what that is yet. It's not going to be the entire rest of the project and then we leap right to full mitigation for everything with say a pharmacy that may be the next phase that's outside of Phase 1. If I come in with a pharmacy, I'm not going to do all the rest of the mitigation that we've proposed because it's just financially not feasible. So, what we offered was some language that is for consideration relative to follow up traffic studies, taking a look at the traffic, looking at the actual traffic produced from a phased development versus what was predicted and studying what was the mitigation would be for a subsequent phase. So, I think that may be something you want to just take a look at again, Jennifer and Mark and if we didn't capture it in its entirety what you are looking for, let me know.

Mr. Tayrien – I remember that document and that was one of the documents that accompanied that second memo that went out to the Board on Monday, that followed the Friday memo. It's in there and I don't have it right in front of me right now but I remember having a very positive response to it when I read through it and at this point, I'm anticipating incorporating most of it, if not all of that language in the FEIS and some of it may end up in the Findings because it did provide some of those mechanisms and laid some of that out.

Mr. Colucci – Great.

Mr. Young – Certainly you could use future traffic studies to deal with...so, up front what the developer has done is said this is a concept for the whole site and based on this concept, based on using traffic studies for certain uses like Bass Pro and 250 apartment units or hotel units and 100,000 square feet of retail and so on and so forth, based on all of that, here's how many trips you are going to generate at these peak hours and so then you look at the end game and what we can do to deal with that from a mitigation standpoint.

But from the standpoint of a sequencing and timing perspective, I think certainly the traffic study would be a useful tool to implement in the Findings Statement to say if we do need a traffic signal, or we might need a traffic signal, the question is at what point do we need it? Do we need it at that 25% build out, 50% build out, 75% build out? You don't want to put a traffic signal in there if we don't need it. Just by way of example.

So, certainly the follow up traffic studies could be useful from a standpoint of testing our assumptions because that's what we are doing right now is assuming these trips are going to be generated and then help to solidify the timing of the mitigation measures.

Ms. Michniewicz – I think in Pinnacle we had some language in there like 125% of Phase 1, whether it was square footage or traffic generation, I can't remember off the top of my head, but there was definitely a matric in there.

Mr. Gallina – So, I think Jennifer probably already said this but in the Pinnacle example, there were practical mitigation measures that could be applied given certain conditions and therefore, again, a follow up traffic study would determine whether or not that's implemented. What I'm still hearing, though, is that the end game of this proposal is that we have kind of unacceptable traffic situations in the Village and at Main Street Fishers and Route 96. So, I think at the end of the day, and I know we're not making a determination today, but either the Planning Board finds those end state conditions acceptable or we don't and therefore, again, you can study all you want and have more traffic studies, but once you approve this, you're basically signing off that an unacceptable end state.

Mr. Santoro – Didn't we do that with Lehigh Crossing? When they reached a certain point of build out they had to do a new traffic study?

Ms. Zollo – Yes.

Mr. Dianetti – 50%. We have Lehigh, we have Pinnacle, we have Omnitech, we have Conserve, we have Fishers Ridge. So, how do you construct a model or the impacts...we are dealing right now with Conserve. As I run through my head, we've got something from Pinnacle that's in our packet tonight that says the Planning Board basically approved their future expansion and they kind of have reserved mitigation in place for their project before we start piling on additional project. So, with Conserve and Pinnacle and Lehigh Crossing, which is only about 50% now, and added to Fishers Ridge and Omnitech, how do we model this to not end up with a major disaster at that intersection? I mean, even with phasing it? Is it just who gets to the finish line first? Or do we set the capacity going forward? I've got a lot of concerns about all this because

it could end up being a real problem for everybody, even the developers who are trying to put projects together that they may not be able to service properly. And they are competing factors.

Ms. Michniewicz – I don't disagree with you, Jack.

Mr. Santoro – Did you see Pinnacle's letter that we just received?

Mr. Gallina – So, while Ernie is looking for that, so, Mark, for example, I know we call it the middle ground and I think I'm the one who termed it more kind of trimming the edges, but, again, what a true middle ground be 50% of build out, right? I mean literally. You cap the trip generation to 50% of what is proposed here and say that's a reasonable mitigation given the boundary conditions of the traffic limitations.

Mr. Dianetti – If we just look at Phase 1, what would come after Phase 1 because Phase 1 is 50% of the build out.

Mr. Gallina – I know but what I'm saying is if we are looking at the project in totality, would a reasonable mitigation say 50% is the cap based on the traffic study...

Mr. Dianetti – 50% of what?

Mr. Gallina – Of what is being proposed as the total build out. If Bass Pro is 20% of that, then there's 30% more capacity to go, however that gets carved up between residential, commercial, retail. We haven't talked about anything in the way of limiting trip generation. We've accepted this as the only proposal and then we're evaluating the fact that there's no mitigation available, essentially.

Mr. Young – That's one of the other topics that's on the agenda tonight is alternatives.

Mr. Tayrien – That's an excellent Segway. I'm not surprised that we ended up here. So, the two documents that were submitted in the first memo that went out on Friday that I drafted that I'm proposing, Labella drafted, be included in the FEIS were, well, at least one of them was suggested by Don because I agreed with him, Don felt that the document we have in front of us now, the discussion of alternatives was not robust enough, in his opinion.

So, there's two documents. The first one I don't think is going to generate as much discussion. It was a relatively short one that captured, in writing, some economic benefits, namely tax revenues, job creation that Paul had shared verbally at one of the workshops and then he followed up by sending Katie and I the written documentation for that. So, I simply wrote it up so it can be included in the FEIS because it is relevant information.

The one that is much longer and I expect it to generate some discussion and probably more importantly, talks about alternatives and I think it even begins by introducing the subject by talking about the fact that SEQR requires Boards like this to consider alternatives, or feasible alternatives given the objectives and capabilities of the project sponsor that have the potential to either reduce or avoid or eliminate some unavoidable impacts. So, if you can accomplish the

objectives in a way that has fewer impacts, no surprise, that's something you should be thinking about.

So, we wrote that up and there's a little bit on no action alternatives and then a few other alternatives. There's a short section on alternative sites. The SEQR regulations indicate that that discussion can be limited to sites either owned by or under the control of the project sponsor. So, that seems to kind of take that out of the realm of taking us very far because it's my understanding the project sponsor neither owns nor controls any sites in the general vicinity that would be adequate for this project.

So, the one that really bears some discussion is the one about, okay, what a project of a reduced scale or size. What the document says and I'm paraphrasing, some information I got from Paul and some I confirmed independently, it's kind of an interesting discussion when you start considering the potential scaling back of a project, and this particular project, let's just say hypothetically 50% in an effort to limit the traffic impacts by 50% or so.

The first thing you discover is that the Bass Pro store is, as I understand it, there are different types of stores or prototypes. One type, the smaller one, I think it's about 50,000 square feet if I recall correctly, is intended to function as a satellite. The larger stores that run anywhere from 150,000 square feet to 400,000 square feet are intended to function as a hub, I guess, surrounded by these satellite stores. In this instance, the satellite stores are already in place so Bass Pro is looking for a location for one of these larger stores that would be more central and then would be surrounded by or supported by these satellites. So, the one that they are proposing, in this instance, is a lower range of 150,000 to 400,000 square feet. It's actually a 150,000 square foot store.

So, if you accept that as being meaningful with respect to the objectives of the project and the feasibility as a limitation and you accept the fact that there's really no real opportunity to do a 50,000 square foot store because it doesn't fit in with their strategic marketing plan, it has some interesting implications regarding the rest of the site. The reason it has interesting implications with respect to the rest of the site is financially they are linked because as I understand it, the anchor stores are so pivotal in drawing patrons and making the rest of one of these sites functional that the anchor stores are able to demand financial concessions. What that means from a development standpoint is the anchor stores depend on the cash flow from the balance of the site to offset the financial concessions so that the whole project will perform and it balances out and the whole project works. Another way of saying it would be, I guess, it's a package deal. So, if you hold to the 150,000 square foot for the Bass Pro site and you start scaling back the rest of it, you very quickly run into a situation where it doesn't work financially because you have insufficient square footage in the rest of the site to offset the financial concession that the anchor has been able to demand.

So, I attempted to write that up. I don't know if I captured it very well in the document, that second document that was distributed on Friday, but that's more or less what is in that document on the alternatives particularly with respect to alternatives related to scale and size and consideration of that. I don't know, Paul, if I did that justice or not but I did my best to describe the situation accurately.

Mr. Colucci – No, you did a good job of saying very eloquently that the anchor deal is subsidized generally. It costs me a ton of money to bring the anchor. I need to make it back. You make it back with small shops and other space. It's beyond financial – Mark also gave you some language relative to the balance of mixes of uses and how they play off one another to create a successful center. That's what we are doing. Then the last component is the traffic is overstated by 30%. That I don't ever want to leave off the table here. We've overstated 30% that we'll never be able to build on 96 acres as good planning for should something ever occur on the 30 acres adjacent – we've looked at. We've looked at those impacts. We know what they are. That's the full build mitigation that we are talking about.

Mr. Dianetti – So, you are 30% over on the full build out on the existing plan, is that what you are saying?

Mr. Colucci – Correct. Yes.

Ms. Michniewicz – So, the traffic analysis included that additional square footage.

Ms. Zollo – So you are including...

Ms. Michniewicz – I imagine that that was from a SEQR perspective is to make sure we weren't segmenting anything.

Mr. Colucci – We looked at that knowing traffic was our most controversial environmental impact and said what could that 30 acres over there potentially support for program area. I baked that into the 96 acres for the traffic study. I could never build it on the 96 acres. There's not enough room. It needs 30 more acres adjacent. So, we looked at 30% more trips.

Mr. Gallina – So, should we then assess the traffic study at 30% less trip generations and a condition that says that can't be built on and see what does that do to the level of service. Does 188 seconds go to 120 seconds....I don't know, I'm making it up but then maybe that becomes an acceptable level of service.

Mr. Colucci – You certainly know what my perspective is going to be. I'm always going to be take more of the position relative to – you have to look at the unavoidable impacts, the balance of all of the pros and cons and the positive side of this is the economic development that comes with a project of this nature. There's other projects as you are all aware of and I am too – Conserve, future development along the corridor, the town has engaged in another traffic study that is going to be the Route 96 corridor infrastructure study that has gone out for RFP and that's going to occur. We've gone to New York State as landowners to push on them to do infrastructure upgrades on Route 96. We've gone to the County. We've gotten support of the County. We have a lot of things going for us that you look at this and you say what is going to be a limiting factor for growth in Victor and it's the Route 96 corridor.

Mr. Gallina – Absolutely.

Mr. Colucci – So are you going to tell everybody that you can only develop half of your land, it's going to be unacceptable for landowners who are looking at your Comp Plan that says development should occur here. This is the area of the Town that the Comp Plan calls for development. So, we're not doing anything that's not in line with your Comprehensive Plan. What we are struggling with as a group, as a landowner, a developer and a town, is an infrastructure limitation that we all believe, at least on our side, and in conversations I've had with the County and others, that we should push a lot of this on New York State to say fix your problems, which is Main Street Fishers and the Thruway and some of the single lane underpasses around town. Help us move traffic better and don't limit growth in Ontario County and the Town of Victor. This is the gateway to Ontario County.

Mr. Gallina – I agree with everything you said but then the question becomes do we just keep building out per the Comp Plan and say, maybe someday we'll get lucky and we'll get a traffic solution or do you force a traffic solution to enable further development?

Mr. Dianetti – There's a different take. There's ways to begin now setting up the funding for that and one of those is to form a transportation district. Right now we have the 96/251 corridor is already set up and the next step from that could be to set up a transportation district and start funding it now but you need some money to get that started and some of that money would have to come from – I don't know if you could get any Federal money but you probably could work on getting State money and then there could be contributions so that we can fix the traffic issues in terms of infrastructure. Right now we have more property zoned for commercial and light industrial use then we have the infrastructure to handle it. We are going to run a sewer line down the hiking trail to hook into Farmington so that we can service those areas with sewer. We've extended the water to new areas so that the residents there can have water. So, the constraint is there. I don't see cutting things off as a resolution to the problem. But there is a realistic constrain here in terms of time.

I was at the meeting when you guys first came in. It was like 10 years ago and I sat through the Town Board meeting and you brought in engineers and lawyers and marketers and that was 10 years and this is where we are at after 10 years. This is going to be a project that is ongoing for probably another decade or so before it's built out. So, this isn't a short term thing. But we have all these other projects that are coming on all of a sudden and that's putting us in a more difficult situation in terms of finding a resolution.

What I would say is we need you to show us some ways that you can provide additional mitigation to this problem and then we can go to Conserve and we can go back to Pinnacle...because we don't have it set up yet for a transportation district. We have to look to the individual projects and say if you want to build, we need help with the mitigation and not just the funding of it but we need help with ideas on ways to fix the problem. Use your creative minds to help us find additional ways to make this happen. That's the way, as a business man, that's the way I look at it.

Mr. Colucci – We've done a lot of that. A lot of the stuff that Jennifer has shown as potential mitigation solutions was born out of conversations we've had with the Town and their consultants relative to other roads, Omnitech Place, the cul-de-sacing of Lane Road. We are at

certain impasses with two locations that are unavoidable impacts. We've talked about this at almost every workshop where traffic has been discussed – it's Main Street Fishers and the Village. If we could build our way out of it, we would do something, but we can't.

Ms. Michniewicz – I just want to point out in the memo that Labella put together dated November 7th, attachment D, has a three page table with all of the level of service comparisons and in there is the build 2022 as well as the build 2022 with mitigation. I just want to point out that they are – the widening from Omnitech down to 251 – that's a significant infrastructure improvement that they are willing to pay for and it doesn't seem to me that there is an unwillingness, it's just a challenge of what can they do.

Mr. Gallina – But, again, just scanning the table, we have intersections that are at a 5 minute delay. Again, is that the Town we want to live in? If I'm miss reading this, let me know, but it says delays, greater than 300 and I assume that's 300 seconds, so 60 into that is 5 minutes. So, again, is that the environment that we want to create.

Mr. Colucci – I think you also have to look at no build 2022 is probably a delay of 200 and something seconds.

Mr. Gallina – Again, unacceptable, but do we want to compound it?

Mr. Colucci – I'm saying if we didn't do anything on Fishers Ridge.

Mr. Gallina – Understand.

Mr. Dianetti – We know that the traffic is going to continue to get worse even if we do nothing in terms of building because the traffic is not just coming out of Victor. It's coming from all of the localities around us, as well.

Level of service is a quantitative or qualitative measure? Is it measuring driver frustration or is it measuring the performance of the road? Is the road supposed to provide a level B, C, D, E service? Or is it just supposed to move people and get them through the bottleneck?

Ms. Michniewicz – In the ideal world, a level of service should be about a D because then you built it correctly. You haven't over built it, for example, if you have a 5 lane roadway where you only need to have 1 lane, however it's not over capacity where you have gridlock. But the level of service is determined based on seconds of delay and I provided Mark a table and I'm not sure where it actually landed but I think that he provided it back to the Planning Board where it describes how the level of service is determined and it's based on seconds of delay and it's different for signalized versus unsignalized intersections. I found it. It's right after that level of service table. So, it's simply a measure of seconds of delay.

Mr. Gallina – So, those are the definitions.

Ms. Michniewicz – When you look at that table, it is broken down into movements. So, for example, we always talk about how Main Street Fishers is approaching failing. It's only certain

movements that are approaching failing so right now it's about a "D". It's because when you average in the entire intersection, overall it's a "D" but you've got movements – like for example, the left turn from Main Street Fishers to north bound Route 96, that's failing. It's a quantitative measure based on seconds of delay, not on driver frustration.

Mr. Gallina – But there is a correlation.

Ms. Michniewicz – Absolutely.

Mr. Dianetti – My next point is that I think a lot of it is driver frustration and I think that, for myself, means finding alternate routes so that I don't get caught during periods of time when it gets all backed up.

Ms. Michniewicz – When we went through the whole Comp Plan exercise, we had that traffic task force that identified locations where we could improve the Town infrastructure to kind of help alleviate these things. And then recently the Sub-Area Traffic Study, we found four of the areas where Pinnacle and Omnitech are. There are measures in there that were suggested that seem to have not been implemented. So, all of this information has been given to TYLin who is looking at the overall infrastructure on Route 96 and hopefully out of that will come some real mitigation things that you can go back to Governor or the County or whoever and ask for funding to help alleviate these issues so that we can build out in accordance with the Comp Plan and not have all this (inaudible) from traffic.

Mr. Tayrien – Al, I didn't want what I shared to come off as disagreeing with what you suggested. I think realistically I think we've just identified the three alternatives. The three alternatives are either restrict development, find solutions, or just let it rip and whatever happens happens.

Mr. Gallina – Those are kind of the three choices.

Mr. Tayrien – What I shared simply made the case that in this particular instance, I don't think there's a feasible opportunity to scale it back. I think with this particular project, based on what I learned, it's an all or nothing deal. You either have that project or you don't. There's no 500,000 square foot Fishers Ridge in the cards.

Mr. Dianetti – We went through the same thing at Eastview Mall. The anchors are what bring the other stores into the mall that allow the owner to run a profitable operation. They lose money on the anchors and hopefully they make it up on the smaller stores that take up less space and they have more of them. So, I don't disagree with anything that you are saying.

Ms. Zollo – Is that a consideration of SEQR? The financial considerations of the project sponsor?

Mr. Tayrien – To the extent it relates to the feasibility of the alternative and the objectives of the project sponsor, yes.

Ms. Zollo – Yes.

Mr. Tayrien – Do you agree, Don?

Mr. Young – I said feasibility the same time you did. It's about feasibility. Now, at some point you are going to approve this Final Environmental Impact Statement. The proposal before you now with regard to this issue lays out the facts that would bring you to the conclusion that it's not feasible to have a smaller Fishers Ridge project. That's what is before you now. So, if you approve this language and adopt this FEIS, then a natural conclusion would be that is not a viable alternative, because that's what this paper says.

Mr. Gallina – That's the developer's conclusion, right?

Mr. Young – It is but if you approve the FEIS with this in there, then that's the information you are going to be relying on in drawing your conclusions.

Ms. Zollo – Okay.

Mr. Young – Do you agree with that, Mark?

Ms. Zollo – So, we don't have to include that then?

Mr. Tayrien – I don't think it necessarily means that you are locked into – and now I'm going to stand Paul's hair on end – it's a hypothetical discussion. I don't think that necessarily means you are locked into an approval. I think it just means that there's no longer, on the table, an alternative that is half as big or of a reduced size. Then, given the fact that you are kind of in this all or none situation, then you still have to come to some conclusion given the fact that you have got a project proposed with unavoidable impacts and taking into account the other project benefits - the goals of the community, the economic benefits that Paul was talking about, then you come to a conclusion on whether or not you are going to approve it.

Mr. Gallina – So, let me just challenge this conclusion that there is no feasible alternative of smaller build out because what I heard was we want Bass Pro. We have to subsidize Bass Pro and the only way we can do that is to get all this build out. If there was no Bass Bro, your first assumption, if there is no Bass Pro and you went with other commercial and other residential as a standalone development of a smaller scale, then is that economically feasible? Again, if you didn't have the anchor that you have to subsidize, then you are not losing money on the first Phase 1 and therefore you could have a standalone development that is scaled back.

Mr. Colucci – All that I ask is that you read the section relative to the alternatives because it's a very delicate balance relative to how these projects are financially driven. It's not as if it's a win fall for every project we do and we're just raking in cash and we are greedy and want to build it all out. It's a very delicate project relative to the balance. An anchor draws a certain type of user and there's certain types of retailers that want to locate next to that user. So, we went out and found a signature retail anchor who wants and believes in this market and is setting up their

entire New York strategy around this location. If not Bass Pro, this is a completely different project entirely.

Mr. Gallina – Well, again, maybe that's the answer. I don't know.

Mr. Colucci – The answer could be something like a distribution center.

Mr. Gallina – That may have a lower traffic impact.

Mr. Colucci – I guarantee you it wouldn't, Al.

Mr. Dianetti – We are getting close to running out of time here. Is this something, in the SEQR process, can we state that these things are conditioned on certain standards being met as far as traffic and transportation are concerned that each phase would be required to or the improvements would have to have been made or be proposed to be made in order to get future phases approved? That would put pressure on the powers that be to maybe implement some changes and find some funding and get some of the work done if they wanted these things to be built.

Mr. Gallina – Jack, let me just see if I understand. So, not the mitigation proposals that we've seen here but a real traffic mitigation?

Mr. Dianetti – I'm saying as a plan develops for mitigation down the road, that the plan becomes more viable and if those circumstances occur, then the project can continue to grow and develop without crossing a certain threshold in terms of a negative impact on the....

Mr. Gallina – You are kind of implying true mitigation, not signaling and....

Mr. Dianetti – It would have to be that they could demonstrate that the level of service could be maintained. I'm very interested in economic development.

Mr. Tayrien – I'm writing. I'll be very interested in having a follow up conversation with Don about that because I think that's an interesting approach. I think what you are saying is you would condition future approvals on the availability or surfacing of some solutions that make them more feasible or reduce the impacts that would otherwise be unavoidable.

Mr. Dianetti – I think we are almost already there with the number of projects that are coming on board right now. We are almost at that point where we reached capacity and need to be thinking about – we can let this get started but it's only going to go so far without these other improvements being made. Otherwise you put the brakes on everything because what difference does it make if it's something this scale or it's four or five smaller projects that do the same thing. It still have the same impact.

Mr. Gallina – Well, I was just going to say, then, because what I heard was economically that's not viable because they can't absorb the loss on Phase 1 indefinitely.

Mr. Colucci – There's a huge cost. You talk about getting to real mitigation. We've put on the table substantial real mitigation to the tune of probably \$5.5 million in infrastructure upgrades on a State highway, Route 96. I call that real and substantial. So, please don't dismiss the fact of what we are offering.

Mr. Gallina – I'm not...that is significant, but it doesn't eliminate the problem.

Ms. Zollo – No, it doesn't eliminate the problem.

Mr. Colucci – We need to make up a \$30 million loss leader investment and conditioning upon if I can't come up with some way to solve Main Street Fishers, I can't build anything else. It ain't going to happen.

Ms. Champion – I think also, just to Jennifer's previous point, it's not the unwillingness of the developer to invest in the mitigation, but that there's nothing additional available.

Mr. Dianetti – I'm not trying to place the burden on one developer or one project. What I'm saying is we, as a town, need to have a plan that takes all of these things into consideration and begins planning and funding for the future instead of being driven by the development. Right now there are more projects on the table than we can see that we have the ability to handle in terms of the traffic. That's the read I'm getting from most of the board.

Mr. Gallina – And the reality, Jack, is putting the extra sewer line in, we are building capacity to enable future development. We need to do the same thing with transportation.

Mr. Dianetti – The catch 22 to do that is you need the development to generate the tax revenue or your taxes go up to try to finance that or you look for grants and funding from the State and Federal government. It's a hard nut to crack. Our backs are up against the wall too. I want to see this project go through. I think it's an excellent project but there's three other people knocking on the door.

Ms. Michniewicz – Paul, that was the first time I've heard a dollar amount put to that widening. That's a huge chunk of change.

Mr. Dianetti – A significant amount of money. The cost of doing these things is tremendous. That's why most localities don't have the money. But one of the first steps to getting money from higher levels of government is to have a plan and have a district created that you can go to them with that you can say look, we've already got skin in the game, we've started the process. Maybe we can incorporate some of the things that you guys are talking about and build on that. But we've got some work to do.

Mr. Colucci – We've met with the Town and the County and your consultants and we've looked at supporting your applications to the State for consolidated funding which was successful in getting the infrastructure grant. We've had letters of support from the Town relative to us pursuing monies from the State which is going to be invested in infrastructure. It's all going to be invested in infrastructure so that economic development can happen.

Mr. Dianetti – We have you and we have Conserve and we have Pinnacle and we have Omnitech and we have all these other groups doing the same thing, I think it helps to build our case, if not financially, politically in terms of getting more support.

Mr. Colucci – Well, that's where that transportation district idea comes from that there are monies that are put into a district that are invested – it's not just one developer's responsibility to build out all the infrastructure so the next guy can say....

Mr. Gallina – Can take advantage of it.

Ms. Zollo – I asked about doing that for sidewalks and I was told we can't do it. So, we have little tiny neighborhoods with sidewalks that you can walk around and around but we don't have sidewalks that take you anywhere. It makes no sense.

Mr. Dianetti – Where do we go from here?

Mr. Tayrien – I think I have enough to put a document together. So, hopefully I'll capture all of this. My plan is to go ahead and edit the document to capture all of this that we just discussed and turn that around in time for you guys to review it. I think the deadline was November 28th. You'll probably get it before then.

Ms. Michniewicz – Paul, if you can put together a memo and any additional figures that would very clearly identify what is being constructed as a part of Phase 1 and that dollar amount – that \$5.5 million – I think that's important information.

Mr. Colucci – Absolutely. I can get you that Jennifer.

Mr. Pettee – Mark and Jennifer, thank you very much.

Mr. Tayrien – Thank you.