

Regular meeting of the Planning Board of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, January 14, 2008 at 7:00pm.

PRESENT: Chair Charles Switzer, Vice Chair John Brugger, Member R. Scott Winner, Member Annette Locke, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela Krahe.

EXCUSED: Member Arthur Appleby

ALSO PRESENT: Village Clerk Leslie Ann Morelli, Deputy Village Attorney Frank A. Aloï, Village Engineer Jason Foote of Chatfield Engineers, Brandon DeMott, Jack Wahl, Don Hibsich, Kris Schultz of Schultz Associates, Joan and Jim Hamlin

CALL TO ORDER: Chair Switzer called the meeting to order and led the Pledge of Allegiance.

Village Clerk Morelli introduced Pamela Krahe – a new member of the Village Hall staff. She is located in the Code Enforcement Office 15 hours per week. Although Clerk Morelli will be handling the pre and post Planning Board and ZBA meeting work, P. Krahe will be attending the meetings and taking and typing the minutes. She said she enjoys working with the Boards and said that everyone made her feel welcome.

REVIEW OF MEETING MINUTES: Chair Switzer called for a motion to approve the minutes of the previous meeting.

→ Member Winner moved, Member Locke seconded, unanimously carried to approve the minutes of the meeting held October 10, 2007 as written.

CORRESPONDENCE: No additional correspondence.

PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS:

1. Application of: Name: Brandon DeMott
 Address: 212 Main Street
 Tax Map #: 068.68-1-16
 Zoning: Business Use District
 Purpose: change of use – snowmobile parts & apparel store

Applicant Presentation:

B. DeMott reviewed his application for a change of use to a snowmobile parts and apparel store. Stated his business is Edge Motorsports and his market is the 4,000 registered snowmobilers in Monroe County plus others unfortunately unregistered. Will be open fall/winter to begin with, then year round with dirt bikes, etc. when funds improve.

Continued Board discussion on application:

Planning Board: Will business open this fall? Brandon DeMott: Yes, but currently have online store.

PB: No repairs or snowmobile sales going on. DeMott: No, snowmobile just showpiece.

PB: What was in there previously? DeMott: Island Tan storage, my father owns it.

PB: Selling clothing? Parts? DeMott: Just accessories, clothing.

PB: How will you discourage riding in village? DeMott: I do stress to join clubs, stay on trails.

Member Winner: Appreciate you educating customers snowmobiling not allowed in village.

PB: Not open now? DeMott: No, refer those who stop by to online store. PB: Sign up? DeMott: Yes

Member Brugger referred to specific requests in CEO Zarnstorff's memo. CEO Zarnstorff added he'd been there twice, pretty much raw space, asked about sales, for example auto parts and maintenance work as none of that is approved. Noted only mercantile sales allowed now unless application made to ZBA. No storing engine oil for example. CEO explained a mercantile business can have cases of oil, wipers, etc. but once a certain quantity is exceeded (i.e. 55-gallon drums of liquid), you go from a mercantile to a hazardous container facility.

PB: Much trash generated? Disposal service? DeMott: Heberle, no, just mail, boxes, rarely ¾ full.

PB: Parking not an issue. Is tanning business dropping off? DeMott: No, this is just me trying my own business.

⇒ Member Winner moved with caveat that memo from CEO serve as guideline as to what is permissible as well as any other applicable village codes, Member Brugger seconded, unanimously carried to approve this application.

2. Application of: Name: Schultz Associates for Canalside Developers, Inc.
 Address: Sunflower Landing – off East Avenue
 Tax Map #: 069.10-5-8.1
 Zoning: Q District
 Purpose: as detailed below

- site plan – construction of a dock on the Canal, along with a pavilion, picnic tables and a recreational area with a path leading to section 1
- subdivision – elimination of previously proposed single-family lots, which will be replaced by single-family senior patio homes
- Re-subdivision procedure for condominium units – adopt proposed procedure
- Re-subdivision – of the following:
 - Lot 43F – 80 Anita’s Lane
 - Lot 43G – 82 Anita’s Lane
 - Lot 44F – 139 Anita’s Lane

Applicant Presentation:

Part I – Construction of a dock on the Canal: Kris Schultz from Schultz Associates reviewed his application for a dock with a path leading to section 1. Gave handout to members, stated prospective buyers want installation moved up, docks are commercially available, Canal Authority can get permit right out. When pavilion goes in will run water/sewer for restroom area, would like to enclose for year round use, residents could use to store kayaks, etc. The path would be crushed stone with removable bollards to accommodate emergency vehicles but discourage skateboarders, etc. Connect to section 1 temporarily by grading level grass path.

Continued Board discussion on application:

Board asked how Canal Authority reacted to proposal. Schultz said he e-mailed Kevin Kerns, permit engineer, proposing dock be similar to one in Spencerport. Kerns replied that once squared with VOB, permit would be issued right away. Board asked for copy of e-mail to come to village attorney’s office, as well as when approval is issued by Canal Authority.

Board brought up maintenance issues to be addressed by Homeowner’s Association—plaque on dock with annual renewal fee, maintaining, trash, policing. Schultz replied HOA is aware of all.

Board questioned details of path with regard to access of emergency vehicles to pavilion. Schultz replied path is 12’ wide, can increase to 15’, will use bollards with bottom tab. CEO mentioned bollard removal can be difficult at times. Fire Chief prefers swing gate. Schultz said they can use that.

Board brought up holding the village harmless. CEO Zarnstorff mentioned building will be inaccessible to firefighters for period of time. Deputy Village Attorney Aloï brought up long-term protection of liability insurance limits. Board mentioned needing additional rider for dock as well.

Village Engineer Foote asked if temporary path will be in service 1-2 years and can emergency vehicles use it. Schultz answered yes, seasonally for now, graded with no low spots, will be mowed. CEO added approximately 1-2 emergencies per year along canal now. Schultz added there should be no problem with leaks from canal as grading is at a high point.

Chairman Switzer asked if there were any other questions or concerns particularly from Deputy Village Attorney Aloï. Aloï replied conditional upon completion of temporary and satisfactory insurance limits and other conditions the CEO put on.

Board reviewed points in CEO’s memo: trash, hold harmless agreement, etc. Schultz agreed and stated he’d come back to update on hydrants, etc. as necessary. Also in memo was to stone and widen path from Anita’s Lane to pavilion. Schultz replied they’d like to leave grass from Anita to the future right of way, then stone to pavilion, so as not to create a stone “roadway” in a place that will be turned back to grass. CEO stated concerns about emergency access. Schultz stated canal path would be graded and stoned to support access. Village Engineer Foote asked if this temporary path would be dissolved once road is built. Schultz replied yes. Foote asked about grading of grass path to insure dryness and width being greater than 8’. Schultz reassured Board of grading to maintain dry path and path to be widened.

Chairman Switzer asked for motion to approve, based on getting Canal Authority approval/permit, assurance that HOA will remove trash, satisfactory liability insurance limits, hold Village harmless, path is temporary and will be 12’ wide for ambulance access, will have a swing gate, that the dock will be for residents’ use with kayaks, small boat, etc. storage on site.

Member Winner moved, Member Brugger seconded, unanimously carried to approve this portion of the application.

Part II - Subdivision: elimination of previously proposed single-family lots, which will be replaced by single-family senior patio homes

Schultz handed out procedure used in another community. Stated builder wants to give buyer options on exterior walls, therefore property lines cannot be determined until building is up. Property lines would be used to generate a subdivision map so when the transfer of property happens, people are buying the actual piece of ground. This process has worked well in the village of Hilton. The idea is that everything outside the walls is common land that the Homeowner's Association takes care of. Typically produce resub maps, get subdivision approval from this Board then record at County Clerk's office. Balance of land is deeded to HOA in increments. This gives developer some freedom for buyers (regarding sunrooms, size of rooms, etc.) but still fit within general block. Discussed number of units currently up. Schultz mentioned scheduling issues sometimes arise between whether enough of unit is up to be able to make Board Meeting, then closing and move in.

Continued Board discussion on application:

Chair Switzer asked to review what was originally approved and what they would like to change. Schultz replied the single-family homes to single senior units, to meet demand. The doubles and quads aren't as popular as hoped. Chair Switzer asked if change would result in lots staying same or increasing in density. Schultz replied they'd maintain the same typical density so they'll end up with more units as the senior home is narrower than a 3-bedroom colonial, but the spacing is typical. Didn't have to modify design of infrastructure except add more laterals. Probably end up with no quads at all based on initial response. Net unit count will be about the same, but enough of a change that developer wanted to come before Board. Response from senior housing is they don't want single-family home in their backyard. Developer wanted a mix, but the market is not supporting that.

Member Locke summarized that all single-family homes would be eliminated, as would duplexes and quads, so this is basically a senior development. She asked if this can be done legally. Deputy Village Attorney Alois responded that it's not so much who is going to live in them, it's the kind of construction they're looking for, density, setbacks, etc. so that gated senior communities can be approved, but you have to take this overall concept change one step at a time. He noted you want to get your resubs going, but on the other hand the overall concept is going to be completely changed. Chair Switzer brought up the resub procedures and the condominium concept as buildings, not single-family homes that is not making sense. Member Winner also brought up the economic sense for the community in having a larger tax base. He noted the school district supervisor would like more children in the system, which is losing state and federal aid. The only way to make that up is to tax everybody else's property. There aren't any developments in the village that trigger that kind of growth in families.

Member Locke asked to clarify that Schultz is not looking for a change in lot size, no variance in code. Schultz replied they'll follow the same layout and separation, just elimination of single-family homes. Locke expressed surprise that there is that much demand for senior housing for Brockport to have two developments. Schultz replied yes and asked CEO Zarnstorff for his opinion on this. The CEO reported that Brockport has seen renewed activity in single-family homes with nearly a dozen being built in 2007, resulting in \$1.6 million in construction. Schultz responded senior patio homes are the market. Locke commented that these new developments represent many more than just 11 new homes all slated for the same market. Vice Chair Brugger commented that the other types of homes are just not selling. Locke asked where buyers are coming from. Schultz replied east side of city, west of our county.

Member Locke asked when doubles and quads eliminated, how many lots would there be. Schultz replied right in line with the overall plan—173, 174.

Member Winner asked what this change might do to our potential tax base. If assessment is based on the walls, not the property, then are we losing property assessments? Chair Switzer asked if the HOA picks up the taxes on the lawns, driveways, etc. Member Winner asked if Mr. Hibsich would be in next to change his. Schultz replied on a per acre basis, you get 3-4 times the tax revenue with high-density senior housing than if this was industrial.

Member Locke asked if "condominium" means the homeowner owns only the building, not the lot it sits on. Schultz clarified it as the building and the land it sits on, but not outside the walls. Chair Switzer asked if owners couldn't put a deck on, then. Schultz replied they can by asking the HOA, then the property would be re-drawn. Chair Switzer asked what additional burden this would place on village resources, i.e. increased time for CEO to approve permits, etc. Schultz replied in other developments, there might be a couple per month and they're usually the same thing. In Hilton, they moved to let the Chairman approve them on his own. He noted it will add to the demands on time of CEO, etc.

Member Locke asked if these same people who don't want children and bicycles next door, want to walk to their kayak and throw it in the water, and they want it in upstate New York, not Tennessee? Schultz assured her that's correct.

Chair Switzer pointed out this big change means more structures, more drainage, storm sewer runoff from driveways and roofs, more connections, etc. Village Engineer Foote indicated he didn't see that having a big impact. It could be reviewed once that section is finalized. Schultz added that each time a new section is opened, they would come before the Board, typically when the current section is $\frac{3}{4}$ sold.

Member Locke asked if doubles are slated for seniors? Schultz answered affirmative, as are the quads, in an attempt to offer a wider variety. Locke asked if they'd offer a menu of house plans, then as buyers select, the Board would see the plans. Schultz replied they began with three singles, a double and a quad elevation and blueprints to show buyers. They've actually gone into construction of units so buyers can walk through them.

Member Locke asked what advantage is it for the HOA to own the surrounding land. Schultz mentioned it's a consistent maintenance issue—mowing, fertilizing, exterior maintenance, etc. especially if a homeowner is out of town for a couple months and a roof shingle blows off for instance.

Chair Switzer asked about the tax benefits to the homeowner of a condo, which is offset by HOA fees. Schultz cited examples of area communities who have compared industrial property vs. senior homes and revenue potential is high.

CEO Zarnstorff asked when the lots are resubbed, what would be the space between. Schultz replied 15' separation at the closest point of the units, split evenly. They have 3 or 4 different floor plans with about two popular plans that people modify--for example covered porch, handrails, etc. To add an enclosed porch, a homeowner would run it past the HOA, the village building department, get a new resub and move the property line out around the new addition.

Member Locke asked about the price range. CEO Zarnstorff stated they're going for about \$160,000. Schultz stated prices are closer to \$200,000 in Spencerport where the demand is higher.

Chair Switzer asked about the popularity of resubbing. Schultz answered it allows customers options and they like that.

Member Locke asked how HOA fees are calculated when there are unknowns like dock fees, maintenance fees, taxes, etc. Schultz replied they figure out annual cost for lawn care, plowing, etc. and give to buyer and explain that as the number of units sold increases, the fee decreases.

CEO Zarnstorff asked if the resubbed lots get their own tax ID. Schultz replied yes, each house gets its own number when the resubs are recorded.

Chair Switzer inquired about who takes care of items in Step 7—the original resub films, runs to the court, and what the realtors do. Schultz said he takes care of all that, the realtors are not involved.

Chair Switzer asked if we would have to go through this whole subdivisional due process again with hearings. Deputy Village Attorney Aloï responded yes, he would assume so. Village Engineer Foote noted just for the second phase. There are only overall preliminary plans for section one, that is all there is final approval for. There's only a couple of units affected by the changes—one quad and maybe one double. Schultz noted there are two distinct things—one is a request to change the overall to senior. They want to go through the process with the Board, give the Village Engineer an opportunity to check anything, to answer questions the Board has, how the units would be changed. The second things is the resubs and they're more than happy to work with the Board until all are comfortable with the process.

Member Locke asked if there had been any sales and whether any had been sold to people with children. Schultz responded the name on the deed has to be over 55, we don't say you can't have children, it's that the homes don't lend themselves to larger families due to the number of bedrooms, a smaller footprint, etc. Senior type developments have been challenged and there's nothing to prevent a single family with 4 or 5 kids moving in, except the size of the house.

Deputy Village Attorney Aloï asked if the approved section one has a quad and two doubles and the three resubs from the first part of the application are singles. Schultz affirmed. Aloï asked if it is their position to come back in to eliminate the quad and/or the doubles that can be done by individual resubs without another approval of section one. Schultz replied no, if they switch from doubles or quads in section one, they'd come back to the Board to show them how the singles would fit and the spacing, and they'd ask for an updated section one final. Right now Schultz says he's giving the Board feedback from his client, as he's feeling quads may not go. He was close to building one but hasn't

decided. He's presenting the idea of doubles and quads to people, but not getting a lot of response. It's not that

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he won't build one in section one, he just doesn't know yet. He might build section one as proposed to see how it goes and if there's no market, there wouldn't be any in future phases. Schultz reminded the Board units would be all side-by-side, all one-story.

CEO Zarnstorff asked which direction phase two is going. Schultz answered perhaps to the west so they can loop the water through sooner rather than later, but not set yet. CEO Zarnstorff asked if he goes west, he'd probably rather see custom lots converted over to patio. Schultz replied yes, but that probably won't happen until next year. As he gets information from the developer, he'll pass it along.

Chair Switzer brought up if the Board has to stay current on all that, shouldn't they do all of it up front instead of piecemeal. Schultz replied based on the information he has now, the majority will be singles, probably only the initial quad. Switzer added it may make sense to come back and say we're doing section one this way now and get some resubs going if that's what you're thinking of doing. Schultz responded it's slow initially, hopefully a lot of activity in the spring. Don't want to chase people away with the development as it is now, so we're here tonight to get the process started to change it.

Vice Chair Brugger asked what Schultz wanted from the Board tonight. Schultz answered he'd love to get an updated overall plan. They've shown how the units would be converted, provided updated grading and utility plans, etc. but realizes it's a lot all at once. Village Engineer Foote said that's not to say if you want to keep the door open, that if after three years you're still in the same spot and cluster homes aren't working and you want single-family lots—you always have that flexibility and it's driven by the market. You might get overall preliminary approval tonight, but the overall preliminary might change down the road. Schultz affirmed. Vice Chair Brugger recalled the original intent was to give preliminary and final per section. Board agreed. Schultz mentioned all the engineering has to be done up front to make sure it works and Chair Switzer added with refinements, as each section comes along.

Member Locke asked that should this request be declined as not being in the best interest of the community, what the backup plan would be. Schultz replied he'd ask the Board for an explanation and what they're looking for next, go back to his client and come back to the Board. They want what's best for the village too; they'd approach with common sense.

Chair Switzer brought up our legal responsibilities and what research we'd have to do. Deputy Village Attorney Aloï stated he'd want to do some more research, but the three resubs could be entertained as it doesn't change the overall game plan, but the bigger issues will take a little bit of time. Chair Switzer asked if, on the resubs, can a community say "we don't want this type of condo procedure, we want people in our town to own their property." Aloï asked if he may not want the original mix. Switzer added he doesn't know if Board has that power. Deputy Village Attorney Aloï replied the Board has the authority to look at the remix that's being suggested for section one and the rest is an open question. The Board would have to be involved with changes from the preliminary for the other sections. Aloï offered that the Board may elect to table this and take a look at the entire concept and all the questions raised tonight.

Schultz asked everyone to look at section one where they intended to resub the lots. Chair Switzer asked if the Board approves just the lot and the house, would that go against village codes. Deputy Village Attorney Aloï said no, the Board does have the authority to resub. Schultz noted that Lot 43 contains units E, F and G. The plan was to resub after construction and that had been communicated to the Board already. Chair Switzer asked Board if they remember the resubs. Stated he'd defer to Deputy Village Attorney Aloï. Aloï stated he didn't feel the resub was inconsistent with the original concept and the approval for section one. He noted this may be headed toward something the Board is not comfortable with; a concern that we're losing everything else that went in to the concept—the variety. There are ramifications regarding the tax base change and environmental concerns. Aloï suggested the Board look at all those issues before going with a change in concept, and he reiterated the Board does have the authority to approve the limited resubdivision of these three lots, as that is not inconsistent with your original approval. He noted if the developer comes back to eliminate the quads or the doubles, then we are back to the drawing board with a reapproval of a new concept for section one. Aloï stated the Board is clearly uneasy and has not indicated they would be inclined to approve the overall concept that has been outlined tonight. He said that's as conditional as it gets. Schultz replied that was fine, they have nothing but time to look at the overall. He said they brought the dock and the resubs and they'd be happy to leave with those and continue the dialogue on the overall. Chair Switzer asked if they needed the resubs immediately so they can sell. Schultz affirmed.

CEO Zarnstorff mentioned that when the original plan was shown, there was a 4' setback around the structure, now it's going right to the exterior wall. Schultz agreed. Zarnstorff asked how that was addressed as a zero property line. Schultz replied it was exactly the same as provided here. Each time one is built, we bring it right up to the exterior edge. Zarnstorff asked how the state code addressed that. Schultz answered there were no issues previously and at the time they did it prior;

they had an assessor help them through the process. Zarnstorff asked about the quad—two units side by side—the common wall would be a firewall. He noted that taking the property line and butting it up to the exterior

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wall would result in a zero lot line that's contiguous to the outside wall. Schultz responded that they would keep another building from being built one foot away with planning and they would come here and show where the next one would be built, show the separation and how it fits. CEO Zarnstorff asked why they couldn't just keep the original 4'? Schultz answered it was based on having them construed as condos as advised by the assessor. He noted it worked well previously; they had no issue going all the way through with the Association. Chair Switzer mentioned he didn't see that as an argument.

Schultz replied he's not 100% sure we can't have it remain 4', and that he'd look into it. They were just following the procedure used with another municipality and it worked well with attorneys, county clerk, title companies, mortgage companies, county water, etc. He emphasized he wants the Board to be comfortable.

Vice Chair Brugger asked what the concern is with the 4' setback versus a zero lot line, as the building space is still the same. Village Engineer Foote asked if there was any verbiage in the HOA agreement regarding the maintenance of the 4' strip. Schultz replied it may be about the HOA having clear ownership of that strip for maintenance. Village Engineer Foote explained it might be confusing as to who cuts the grass regarding the 4' line; Vice Chair Brugger added it eliminates potential problems with things like gardens, etc.

Member Locke asked if that might also be what allows you to use the term condominium, as you only own what's within the walls. She expressed she's still uncomfortable with the ramifications that it will have generating tax. Vice Chair Brugger asked what the Board is uncomfortable with regarding taxation for example, what if it's a couple without children? The structure on the property is taxed. The Board asked if the association covers the property tax. Schultz replied yes. Member Locke clarified if 100% of the tax would be paid so the village would lose nothing. Chair Switzer noted it would give the developer the option to lower the price to generate sales. Schultz explained because of the size of the homes and the spacing, the density is higher, resulting in more homes being taxed than traditional size single-family home developments. He mentioned they've done a comparison in two towns recently showing tax revenue with different land usage. Member Locke asked if that was on paper. Schultz suggested the Board speak with Gay Lenhard, the Village of Hilton, the assessors in both municipalities (Hilton, Ogden). Schultz stated his company was able to show revenue being 3-4 times higher than light industrial, which is supposed to be the best.

Vice Chair Brugger commented on why that 4' strip is important—it's who's paying tax on it. Schultz answered it would be the HOA. Brugger noted there would be more structures on the property. Chair Switzer asked how this is fair to the developer next door. Don Hibsich stood and commented that the assessor for the Town of Sweden told him the assessment rate on the houses is 65-70% of market value. And the land, even though they're taxing the whole lot now, that's not built on is still going to be taxed on non-buildable at a very low rate. Hibsich agreed with everything Schultz has said tonight, but noted he has people wondering if they're doing it next door, why can't we do it, and he doesn't have the answers. He also mentioned they are getting lots of people, and are feeding off each other. They've probably had 10 couples in 2008 alone, who have come from out of state and two of the last three builds have been from out of state. Member Winner wondered what that does to a single-family homeowner in the village and where is the equity for all. D. Hibsich responded his average sale price is closer to \$180,000 and the homes are on much smaller lots so technically they are generating more tax dollars per acre than typical homes. The other thing to remember is under cluster development law, we're only building the same number of homes as if they were on regular sized lots, we just have more green space. So yes, we are creating more tax dollars per acre.

Member Winner asked Deputy Village Attorney Aloï if this starts to cross over into zoning issues when you start talking about impacting directly the tax base of the community, stating he's not comfortable with that. Schultz said he took exception with this. He has been in front of this Board countless times, talking about this procedure, about condos and building resubs, the plan presented and approved for section one is exactly in line with this. He mentioned they're not asking for anything different or any change and if this is delayed it will prevent the sale of new units. He added they're not impacting your taxes on your house, and they're doing something that will increase the tax revenue in the village and, if anything, reduce your taxes or keep them level.

Chair Switzer said he did not remember at all talk of resubdivision, and condo status. Member Winner agreed. Switzer just remembers single-family homes and patio homes but the apartments, etc. could have been condos or rentals. Schultz asked the Board to please go back and look at the minutes of the meeting. Chair Switzer and Member Winner apologized if they didn't remember. Schultz reminded the Board that this was modeled after another community that worked very well and they tried to keep it

consistent with that plan.

CEO Zarnstorff noted there is a fourth house he'd like added to the equation, that actually has a customer, the other three being models. He spoke with the developer who was okay with removing a large section of drain easement to the pond area and dedicated to the village. He'd like to see that changed out so it doesn't fall through the cracks. Schultz responded that was mentioned to him and he

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sees no problem, they'll refile the actual easement and show a diminishing of the original. CEO noted that the large pond area, including the large grass area, are all dedicated with drainage to the village. Schultz replied that the easement is customarily given so the village has access to the whole thing. It was not to be construed as a maintenance issue. CEO said it wasn't, but village just doesn't need it. Schultz said that's easier.

Member Winner suggested that there are enough questions and concerns that need to be mulled over before the Board acts that they shouldn't act tonight. Chair Switzer suggested looking at old minutes.

Schultz said he can run down the 4' issue and separation with CEO Zarnstorff and the Board can look at the minutes. If the Board wants to call the village of Hilton and talk to Tom Tillebine who went through the whole process, and the former building inspector as well as the current one. Chair Switzer asked if Schultz could help the Board feel comfortable with the condominium status and what that does to the two other subdivisions recently approved, noting the Remington Woods people could come to the Board now. Schultz replied that he thought the Remington Woods developer would change out, but indications are he's just single-family homes. He noted he hopes the Board doesn't feel overwhelmed with technical issues that they lose sight of what they're trying to do which is having two really good senior projects in the village and a lot of interest about buying these units and they want to keep the momentum going.

Chair Switzer asked Deputy Village Attorney Aloï if they could review the process and if Aloï could do some research then entertain a special meeting in a couple of weeks if Schultz wants to get something going. Aloï responded that within that time they could run down the issues—the question of the setback, but he didn't think the Board would have to run down whether they have the authority to do the resubs, as Aloï thinks they do and he doesn't think they are inconsistent with the original section one approval. Chair Switzer noted they do set a precedent; Aloï agreed. Switzer said the Board wants to know what they're stepping into and how much time and expense that means for the village. Aloï agreed and restated we can see how burdensome that would be and, if there's going to be limited approval, there's going to be conditions and he could run that down quickly—a couple of weeks should be fine. The Board agreed. Member Winner noted he'd like to hear from the Village Manager on this proposal, what he sees it doing to the bottom line on the revenue side. He noted he wants both developments to prosper, but not to create a disadvantage to McCormick Place to get them in here with the same issues. He's concerned about a floodgate. Schultz suggested that maybe Hibsich needs to switch his development over to this. Hibsich added there are two developments in the Town of Sweden that don't have the tax burden that the village has. Vice Chair Brugger added that if we were the first to do this, it would be different, but we're not, there are others out there that work. Schultz added that we have lots of sections left, so if we get it right this time, small details can be cleaned up in the next section.

Chair Switzer said he'd like to take a couple weeks to research the impact on village resources. The Board agreed. Schultz agreed that two weeks is not going to hurt and he thanked the Board. Chair Switzer asked if there were any other concerns—none noted.

NEXT REGULAR MEETING: Monday, 2/11/08 at 7pm
(Application materials due by Noon Tuesday, 2/5)

ADJOURNMENT:

➔ Member Winner moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 9:06pm.

Pamela Krahe, Clerk