

MINUTES
JOINT PUBLIC HEARING
HILLSBOROUGH TOWN BOARD and PLANNING BOARD
Thursday, March 20, 2008
7:00 PM in the Town Barn

BOARD OF COMMISSIONERS PRESENT: Mayor Tom Stevens, Commissioners L. Eric Hallman, Evelyn Lloyd, and Brian Lowen.

ABSENT: Commissioner Frances Dancy and Mike Gering, absences excused.

PLANNING BOARD MEMBERS PRESENT: Matthew Farrelly, Dan Barker, Kate Faherty, Neil Jones, Stephen Whitlow, Dave Remington, Barrie Wallace, Toby Vandemark, and Elizabeth Woodman.

STAFF PRESENT: Planning Director Margaret Hauth, Town Attorney Bob Hornik

ITEM #1: Call to Order.

Mayor Stevens called the public hearing to order at 7:04 p.m. He did not read the Public Charge but noted it would be followed. Mayor Stevens then turned the public hearing over to Planning Board Chair Matthew Farrelly.

ITEM #2. Additions to the Agenda and Agenda Adjustments

There were no additions or adjustments to the agenda.

ITEM #3: Convene Special Joint Public Hearing with the Town Board to continue consideration of the Corbinton Commons Special Use Permit Amendment to convert to a CCRC model for 274 units with 47 single-family houses.

7:05:37 PM Mr. Farrelly asked Ms. Hauth was it necessary to provide an update to the Boards. Ms. Hauth responded she would prefer that the applicant talk about any changes to the application. She reminded those who wished to speak that they must be sworn, but if they had been previously sworn they should indicate that.

7:06:35 PM Craig Ferri, Vice President for Construction with EYC Companies, who was previously sworn, stated they would endeavor to keep their portion of the meeting to 30 minutes, and to that end he would speak for a few minutes about what they had come away from the last meeting with, that David Segmiller and Steve Chomick with Freeman White would go through the architectural changes, Kevin Hamak with John R. McAdams Company would discuss the affect of the changes on the site plan, Bob Lippard with Drucker and Falk would speak about Duke's role in the project and the Wellness Center in general, and Kent Phillips with Pacific Retirement would discuss their experience with CCRC's in general.

7:07:58 PM Mr. Ferri said they had come away from the February 25 meeting with a list of 13 items for which more information or answers were needed. He then went through the items:

1. How to make the proposed changes revenue neutral for the Town. Response: It is anticipated that the proposed changes would be revenue neutral to the project.
2. Provide drawings or animation showing better views from all sides of the sites. Response: The booklets provided to the Boards have the revised drawings.

3. Conduct a balloon test for the Boards and neighbors to see. Response: Notices were delivered and 12 balloons were flown on March 11 and March 12 to an elevation of 50 feet, which was the eave elevation, relative to where the proposed grade would be. Another cluster of balloons were flown at the ridge elevation, which was 70 feet. Those numbers match the building design being looked at this evening.
4. Provide the correct floor plans for the single-family units and the other corrected site plans. This primarily dealt with the fact that the previous site plan did not have the correct footprint for the Wellness Center nor for the cottages. Response: That has all been corrected.
5. Provide the exact impervious calculations. Response: The calculations had gone from 32% to 36.7% with the changes noted in the packets.
6. Provide final parking plans showing the correct number of parking spaces. Response: The packet provided now contained the correct number of parking spaces, which met the parking requirements of the Town and is shown accurately on the drawings.
7. Provide a detailed explanation of how the fee simple units fit into the community and how they relate to the CCRC program, and whether they could be added to the CCRC program. Response: Ken Phillips would provide information in response to this request.
8. Need a statement from Town Engineer/Utilities Director Kenny Keel outlining what they can do to the sanitary sewer easement to screen the Gaster property. Response: Mr. Keel indicated that no plantings could be done, but was not opposed to a fence with gates. That screening would be worked out with the Gaster family.
9. Need a statement in writing committing to never extend the main road on the western portion of the site to St. Mary's Road. Response: Language had been added to the re-submittal that would be placed on the plan and become part of the construction drawing approval, which stated that "By approval of this site plan and to the modification of the SUP of 2005-6, the Corbinton Commons development agrees that it will not make any connections from its streets to St. Mary's Road."
10. Provide other options showing decreased building height and adjustments to density. Response: The revised plans reflect that, and the supplemental plan provided tonight was an additional option that included the elimination of the fifth floor, the addition of subsurface parking, and the addition of some duplex units. The overall number of units did not change.
11. If possible, provide a letter of intent from Duke. Response: Bob Lippard would address Duke's involvement in the project.
12. What was the anticipated percentage of participants of members of the Wellness Center from outside the development based on other sites, etc. Response: It is expected that given the size of the Wellness Center, there would be approximately 650 members, with 350 being from the Corbinton community, and the balance from the community at large. That resulted in 54% being Corbinton residents, and 46% non-Corbinton residents.
13. Provide information about the service provider, Pacific Retirement, list of services provided to the residents, etc. Response: Provided in the packets was the list of services mistakenly left out of the previous packet. Ken Phillips would speak specifically to this question.

Mr. Ferri asked David Segmiller and Steve Chomick to explain the architectural changes.

7:13:52 PM David Segmiller, a Principle with Freeman White, after having been sworn, stated he was the Principle in charge of this project. He stated that they had made some significant changes to the site plan and to the overall building design to accommodate the change from the fifth/no fifth floor and doing the buildings in all three stories and four stories, as well as adding some duplex units to

account for some of the units lost. He said they had also made a change to accommodate a key neighbor by providing a deeper buffer.

7:15:11 PM Steve Chomick, a Principle with Freeman White, and the lead designer on this project, who was previously sworn, said that the lowest level, the parking level, had not changed significantly from the last drawings except that they had an addition of a subsurface parking deck as well as connection of more parking spaces underneath the main building. He stated that all of that parking was below grade. Mr. Chomick stated that in addition there was the illustration of the health care parking and outside terraces.

Mr. Chomick stated that the grade level of the main CCRC had surface parking as well as an elevated deck in addition to six duplexes within the 50-foot buffer. He said when the fifth floor was removed those units were placed at grade.

7:16:15 PM Mr. Chomick said when they had moved the duplexes down they had moved the bigger buildings further away from the buffer and further away from the neighbors so that the three-story piece was actually further from the property line and the 100-foot buffer than it was before. Then, he said, the duplexes were added to compensate for the units removed to lower the buildings.

Mr. Chomick stated they were asked to identify the parking count, and the counts were tabulated in the packet of information. He said in the interim between the presentation in the packet and tonight's meeting, they had met with Lee Gordon, a key neighbor, to talk about an alternate solution. Mr. Chomick said one of those alternate solutions was to take those cottages and rotate them 90 degrees and push them back another 25 feet. He said that gave them the 75 foot buffer from the building edge to their property line.

Mr. Chomick said updated elevations of the campus itself had been provided, with the three-story health care building facing the southeast and the four-story apartments along US 70. He said they had broken up the scale of the building to reduce the overall length to make it look smaller along that face.

Mr. Chomick said they were asked to evaluate the sight lines (building visibility) along the southeast/northeast cut to come out to St. Mary's Road. He said they had checked the Orange County GIS map to look at all surrounding properties and elevations, coming to Lee Gordon's property and his line of sight at the back of his property. He said from that line of sight, you would not see the four-story building, or if you did it would be a minimal portion of the roof line.

7:20:14 PM Mr. Segmiller stated that the Wellness Center would include a clinical component which would provide services to the seniors on site and would be open to the public as well. He said it would include an indoor running track and exercise room, as well as a swimming pool.

Mr. Chomick stated the amenities listed previously were still in the plan, including walking trails, gardening plots, cottages that were associated with the CCRC, and the active adult component with open greens. He then displayed the floor plans for the various dwellings.

Kevin Hamak, a Landscape Architect with the John R. McAdams Company, who was previously sworn, stated that their stormwater engineers had reanalyzed the impervious surface with the ponds that were previously approved, and the impervious surface amount had increased from 32% to 36.7%. He said in the analysis what the engineers had found was that the pond on the west side could handle

the slight increase, and the east pond would have to increase about one-third. Mr. Hamak said there was enough room in the current locations with no change in the pipes necessary, only some adjusted grading.

7:23:13 PM Mr. Barker said they had the alternate plan, and asked had that calculation been done on the new plan. Mr. Hamak said not on the newest plan, but it was only a minor difference.

7:23:52 PM Mr. Segmiller stated on the plans they had shown the alley as a better way to allow the people living there to not feel like they were living in a parking lot, but if it were a big issue they could live without the alley and just have the garages face the front. He said he did not believe that would affect the impervious area.

7:24:37 PM Mayor Stevens stated he wanted to disclose to the Board and to the public that he and Commissioner Gering had met with Bob Lippard and the Planning Director at Duke to talk generalities and not the details of the project.

7:25:42 PM Bob Lippard, Director of Senior Living with Drucker & Falk, and lead developer for this project, stated one of the requests from the last meeting was if Duke would provide a letter of commitment that would indicate their participation assuming that the SUP amendment was approved. He said that Duke was and would remain circumspect about their involvement until the amendment was approved. Mr. Lippard said assuming they go forward and the CCRC was developed, he reiterated Duke's involvement with them in other projects, including Ferrington Village and The Cardinal at North Hills. Mr. Lippard then explained the lines of involvement, adding that Duke's preference would be that the primary care clinic would be located where the health care facility was located. He said they would provide the medical director, rehabilitation services, more than likely pharmacy services, home health care services, classes on health and retirement, and any other health services that made sense. Mr. Lippard said all of those services were very similar to those provided at Ferrington Village and what was planned for the CCRC in Raleigh, and would be the case here.

7:28:34 PM Ms. Faherty said then the location of the health care facility may be moved. Mr. Lippard said yes, if it made sense from the standpoint of the people on site who would most predictably need medical care. He said the other thought was that the health care center would be closer and more visible from US 70.

7:29:13 PM Kent Phillips, a Principle with Pacific Retirement Services, Atlantic division, after having been sworn, provided some brief information about his company, which was a 501(c)(3) corporation, and the experience of the three Principles. He said this project was one of a handful of new developments they were involved in on the East Coast, adding their eastern division office would be in Charlotte. Mr. Phillips said he lived in Cary, so had a doubly vested interest in making sure this project went well.

Mr. Phillips provided some information about his company's mission statement and value statement, as listed in the information provided to the Boards. He stated they wanted to enhance the lifestyles of seniors at every economic level. Mr. Phillips said while this project would target upper income seniors, they used that as a base of operations to provide additional community benefits in several ways. One, he said, was that they would immediately establish a foundation and would contribute to that foundation on an annual basis. Mr. Phillips said one of the primary purposes of that foundation

would be to serve the needs of existing residents should they run out of funds and not be able to pay their monthly fees. Additionally, he said, that foundation was created to serve the community at large.

Mr. Phillips said a second service that they liked to provide in every market where it made sense was to provide affordable housing, generally under the Section 202 program. He said thirdly, they had a volunteer program called RSVP, which stood for Retired Senior Volunteer Program, where they accessed the labor force in the senior population to provide services to the community at large. He said those were the ways they provided community benefits to greater Hillsborough.

Mr. Phillips said their role would be to be the owner of the Corbinton Commons CCRC, and they would manage it long-term. He said they would do that through sole-membership of the not-for-profit corporation, and would administer the community benefits program as well. Mr. Phillips said in terms of the placement of the CCRC directly adjacent to the active adult fee-simple homes, they did not see that as a problem but in fact saw it as a benefit. He said he fully understood that they were both going after the same age and income-qualified individual, but the reality was that over time they believed that that active adult neighborhood would be a feeder source for them.

7:36:27 PM Mr. Phillips stated that their range of services had four levels: independent, assisted living, dementia, and skilled nursing. He said independent living was self-explanatory, noting the residents in independent living were provided one meal a day, weekly or bi-weekly housekeeping as the case may be, maintenance services, social activities, and access to the Duke Center for Living.

Mr. Phillips said assisted living residents would have services that were performed under licensure and included assistance with activities of daily living, such as bathing, grooming, dressing, toileting, and eating. He said that dementia care was provided under the same licensure, but a patient with dementia tended to wander so that would generally be a lock-down unit with access to outside wandering paths. He said that skilled nursing services were also self-explanatory.

Mr. Phillips said all of the residents would have access to the Duke Center for Living, and there would be a physician's clinic on site as well.

7:38:07 PM Commissioner Hallman said looking into the future, did he have any concerns about the ongoing maintenance of the non-CCRC homes, that is, the active adult, fee-simple homes. He asked did it give them some concern ten to fifteen years out as to how the value of their property next door might be affected if that maintenance was not done properly by the homeowners association. Mr. Phillips responded while there was a buffer there, he believed the type of homes and the income levels of the residents did not cause him a great deal of concern, although he had not really thought about it. He said he did not consider it to be a big problem.

Commissioner Hallman said he believed ongoing maintenance was one of the reasons these two boards had had problems with the MAHS model.

7:39:27 PM Mr. Segmiller stated that the evidence showed that over time the CCRC provided more services to the active adult community in the long-term.

Mr. Phillips said initially there would not be a lot of cross-over services provided from the CCRC to the fee-simple homes, but over time as occupancies were stabilized on both sides, they would see that

as an opportunity for some ancillary income to get involved in providing such services which could include maintenance services.

7:41:25 PM Commissioner Lloyd asked what she would pay if she decided to move into an independent housing unit. Mr. Phillips replied there was a wide range based on apartment size, but the average entrance fee was \$400,000. Commissioner Lloyd said once she got in, would she then also pay a monthly fee. Mr. Phillips said yes, and the average monthly fee was \$3,100, although the apartment units were quite a bit lower than the cottage units. Commissioner Lloyd asked if that fee covered everything rather than a la carte. Mr. Phillips said generally it was all inclusive except that only one meal was provided each day. Commissioner Lloyd asked would she be required to have her own doctor if she lived in an independent housing unit. Mr. Phillips said she would certainly have the choice to maintain her own physician, but there would be a clinic on site and she could use the doctors at that clinic if she preferred. Mr. Lippard commented that the entrance fee was 90% refundable to your estate.

7:45:13 PM Ms. Woodman stated that Rogue Valley Manor was much larger as far of the scale, and asked was this one small in comparison. Mr. Phillips said this CCRC was small to medium, adding that the Rouge Valley Manor was an anomaly.

Mr. Lippard stated that the facility at Gallaway Ridge was the exact same size. He said that others they were doing were 200- 230 units, and the numbers and fees go directly to sizing.

Mr. Phillips said as far as pricing, they would likely offer some fully amortizing plans that would have smaller fees to bridge affordability, but there would be no return to the estate after 4 years with those plans.

7:48:06 PM Ms. Wallace asked was that what they meant by affordable housing. Mr. Phillips responded no, that they had other programs that were generally HUD 202 programs which were subsidized housing to address affordability. He stated they wanted to provide options for everyone. Mr. Lippard commented that they were looking for a HUD 202 site in Hillsborough.

7:49:51 PM Mr. Farrelly asked how they would accomplish revenue neutrality. Mr. Lippard stated that Ellis Coleman would respond to that shortly. Mr. Farrelly said that it seemed that when he was talking about fee simple, that he did not squarely address the comment from the last meeting regarding the experience with Carol Woods that having the single family included in the CCRC provided a more cohesive and integrated model. He asked why this was a better model than having all the dwellings part of the CCRC. Mr. Lippard replied that the future relationship was positive to both sides as he had previously described. He said increasing the number of units by 47 increased the timeframe for the sales process, and when you elongated the development or sales process you increased the risk. Mr. Lippard said it was their desire to bring a community to the market with as little risk as possible, and that risk was mitigated by sizing the community in such a way that it was large enough to be a financeable community that allowed them to get started and to make the community real, which was the overarching objective.

Ms. Woodman asked did that mean that selling the expensive houses was easier than selling the CCRC units? Mr. Lippard stated he was not relating the two; he was saying only that adding the additional units elongated their sales process.

Mr. Farrelly asked about the regulatory requirements discussed at the last meeting. Mr. Lippard responded that they had to pre-sell 70% of the CCRC units before they could begin construction.

Mr. Phillips added that 47 units meant at least 10 more health care beds to accommodate those people who were paying entry fees, so they would have to build a bigger health care center than they had today, as well as additional common space, parking, and the like. He said the larger thing in that mix was that with the CCRC you were providing health care beds in specific relationship to the independent units.

Mr. Lippard clarified that the 70% pre-sale rule was a bond underwriting requirement, not necessarily a regulatory requirement, but either way they had to meet that 70%. He added he saw that as a plus, because in the sales process you lost a number of potential depositors because there was a mind set shift you had to go through where you were losing your fee simple title here but not replacing it with fee simple title somewhere else; that you were paying an entry fee and had no title to the property. Mr. Lippard stated that was a tough hurdle for a potential depositor to get over. He said having a set of homes that you could sell fee simple and still remain connected to the CCRC was a great advantage.

7:56:27 PM Mr. Farrelly said they had talked about establishing a foundation to service the community, and asked was there a common mission for that foundation or was it tailored to the needs of each community? Mr. Phillips stated they would set up a foundation board and that board would determine how that money was directed, including to pay fees for a resident who had run out of funds and also to fund charitable activities in Hillsborough.

Mr. Farrelly asked was most of the funds for residents or the community. Mr. Phillips replied they were overwhelmingly focused on the community. Mr. Farrelly asked was that why the organization was a 501(c)(3), in that profits were directed towards the foundation. Mr. Phillips stated certainly the foundation contributed to the community benefit requirement which allowed them to maintain their 501(c)(3) status, as did the affordable housing component and the value of the volunteer programs.

7:59:15 PM Commissioner Lloyd said it was her understanding that the independent housing units would be purchased, and that did not go to the \$400,000. She asked if she was age 82, how much she would have to pay to get into the CCRC. Mr. Lippard said everyone would pay the same entry fee for a particular unit type regardless of age, and the average entrance fee was \$400,000. Mr. Lippard explained that they had said from the beginning that a critical element of this community was the ability to draw people from Chapel Hill and Durham, as well as from Hillsborough. He stated their lowest cost unit was 800 square feet with a 90% refundable entrance fee, at a cost of \$260,000, and with an amortizing plan of 40% lower. Mr. Lippard stated the upper end cottages would sell for as high as \$600,000. He said in totality, the monthly service fee covered nearly all of the daily living costs. Mr. Lippard stated they were confident, that with new construction, that they were competitive with 10-15 year old centers.

8:04:01 PM Commissioner Lloyd asked if they would accept her if she was not well. Mr. Lippard responded that NC law prohibited direct admissions to assisted or skilled facilities such as this. He added that meals increased to three a day when living in the assisted living and skilled nursing facilities.

Mr. Phillips stated that the lower cost unit Mr. Lippard had described would carry a monthly fee of less than \$1,700 per month for the monthly service.

8:05:01 PM Several board members commented that they still had not heard how the project would be revenue neutral.

Ellis Coleman, after having been sworn, thanked the Boards for listening to the information and moving forward in an expeditious manner. He said on the issue of taxes, he wanted to make two points. Mr. Coleman said first, in all likelihood the MAHS facility would also be a similar facility and financed the same way, and would also be a non-profit. He said the difference was that you have 47 taxable houses rather than 69, and that the 47 would increase in value faster with the CCRC to the point that it was a relatively easy point for them to make that it was revenue neutral to the Town.

Mr. Coleman said his second point was that the way the NC statutes addressed property tax for retirements was that just because they were a 501(c)(3) did not mean that they were automatically exempt from property taxes. He stated they would have to apply for an exclusion and the way they got that exclusion was to demonstrate that 5% of their revenue was given back through some charitable gift to the community. Mr. Coleman stated there were levels in the statute in that it did not have to be 5% for a retirement community; they could meet the 5% for total exemption or they could meet something less than that for partial exemption. He said the point he wanted to make was that the Town gets roughly 40% of the property tax revenue assessed by both the Town and the County. Mr. Coleman said so the Town would receive roughly 40% of the tax generated from this property. He said in the CCRC, it appeared that a dollar to charity would offset a dollar in tax, in that the 5% income level was so high that it was comparable to the tax. So, he said, the charitable contributions would 100% come to the community, whereas only 40% of the tax would come to the community. Mr. Coleman said that was the only assurance he could offer that as you listen to the conversation about the HUD 202 and the foundation, that the money coming back into the community was also demonstrating their tax exempt status.

Mr. Coleman said it appeared to him that in a non-profit situation that the first three years would be critical to a non-profit. He said the unusual thing about this property was that it would be 100% complete before it was occupied, so there would be considerable tax liability and consequences to the bond during that initial period.

8:11:43 PM Mr. Farrelly said he thought of this not so much in terms of the not-for-profit and delivering value back to the community. He said the comment that the CCRC would add extra value to the fee simple and that would make it a revenue neutral proposition was a bit of a fantasy. He said the relevant comparison was counter factual where this did not exist, and that there was another kind of community that was an alternative proposal but similar to what was there before where all the units were paying property taxes. Mr. Farrelly said he thought of this as if this was a different community, not including a not-for-profit, that was developed some other way, and what the revenue would be to the County and to the Town from that. Not, he said, under these circumstances and assuming the benefits of the foundation compute dollar for dollar for the community because at some level that was outside the control of the Town. Mr. Farrelly said part of what they were talking about was making it revenue neutral so that the Town had the revenue to use at its discretion. Mr. Coleman said his point about it being revenue neutral was from the existing SUP which was the MAHS facility. He said the only difference would be the home units. Mr. Coleman said the MAHS facility would also be a non-profit that was already permitted without payment-in-lieu exceptions. So, he said, if the MAHS facility that was already permitted today went forward, and the CCRC never appeared, there would be no revenue from property tax.

8:14:34 PM Ms. Woodman stated she had thought there was an entire retail component that would be taxable. Mr. Coleman stated that was correct, that there was an 8,000 square foot retail component that would be a taxable entity. He said he did not know if there were any retail components within the CCRC, such as the medical office, that was taxable.

8:15:13 PM Mr. Barker said that this would require a significant amount of Town services to be provided to the site. He said the Town had accepted some not-for-profit land in this area with the understanding that there would be taxable income around. He said to him, the big revenue neutral assumption was how they were going to pay for those Town services, and from what had been stated he was not seeing that. Mr. Barker said the statement regarding the foundation was that a lot of its income would go back to the community and not the greater community, so he did not understand that part, either. He asked how this could be perceived as revenue neutral. Mr. Phillips stated that it was understood that if the Town did not take the charitable contributions made into the community as the same as tax, then you would have to look at the difference between 69 and 47 homes, which was where the tax difference was located, plus the retail.

Mr. Lippard added that they would also be creating between 145 and 150 full-time equivalent jobs at an average salary of \$38,000 a year, and with the part-time jobs included the number would be about 200.

8:18:56 PM Mr. Phillips stated that examples of charitable giving included Meals on Wheels, children's programs, and services to seniors and the disabled, or any kind of charitable service that was in need of additional funding. Mr. Barker asked if the target was aging causes. Mr. Phillips stated it could be, but it depended on the board. He said their global mission was to enhance the lifestyles of seniors, but it was also to benefit the communities at large.

8:20:03 PM Ms. Vandemark asked who made up the foundation board. Mr. Phillips said there would be local members on the board as well as residents. He said from history at other markets, the boards were made up of a mix of people on the corporate board and local individuals from the greater community. Ms. Vandemark asked would the corporate board be a local board, or the PRS board in Oregon. Mr. Phillips responded the PRS board in Oregon, because they wanted to have some input into all of their boards.

Ms. Woodman said they must run into the revenue issue in other towns, and asked what other arrangements had been made in other towns. Mr. Phillips said it varied by municipality, and ran the gamut from fully exempt from property taxes to still paying those property taxes.

8:21:57 PM Mayor Stevens asked for staff comments.

Town Attorney Bob Hornik said he had checked with Chapel Hill Town Attorney Ralph Karpinos regarding statutory references in regards to Carol Woods. He said Mr. Karpinos had indicated that Carol Woods was a tax exempt 501(c)(3), and referred him to a statute relative to providing 5% profit to the community got you 100% tax exemption, that 4% got you 80%, and on down a sliding scale until you got to 0%.

Mr. Lippard stated he had talked with the attorney they had used with Gallaway Ridge, who had said that these discussions arose with every development. He said the attorney had suggested that when

they saw that the amendment approval process was moving forward and in fact looked as if the Town wanted the development, that at that point the discussions became more detailed as they moved closer to approval. He added that lots of parties had an interest in this project, including the NC Medical Care Commission, the State, and many other entities, and they would have to engage each and every one. Mr. Lippard said they could not make any across-the-board commitment about that at this juncture.

8:24:32 PM Commissioner Lloyd asked if they were going to provide their own trash pick up, as well as other services that people in the Town received. Mr. Lippard stated he was not prepared to answer that question. Commissioner Lloyd said she did not believe they could expect the citizens of Hillsborough to subsidize this development. She said her point was that somebody had to pay for the services the Town provided, and asked who that would be.

Town Manager Eric Peterson said in regards to trash collection, the Town ordinance mandated that they use a dumpster or fall into commercial collection if there were five units that were contiguous or greater. So, he said, with this project the Town would have to pick up trash at the single family homes and the duplexes, but everything else the developer would be responsible for.

Mr. Lippard stated they were fully prepared to pay for whatever services were provided on a billing rate basis. He said they would also pay to have the dumpsters serviced.

Mr. Phillips stated the only services they would be accessing would be fire and police.

8:28:01 PM Mr. Farrelly asked about the balloon test. Mr. Lippard stated he did not have any information, other than they were flown for the benefit of the neighbors and the Board members.

Mr. Farrelly asked when the notices had gone out and what dates were they flown, noting he believed that short notice was given. Mr. Phillips stated it was subject to weather. He said when they saw they had a window of opportunity they got the notice out the next morning and did the morning the next day, and the balloons were left up for two days.

Mr. Farrelly stated he had not seen it, and he was the one that requested that it be done. He said it had happened over the weekend and he was out of Town, and was somewhat surprised that it had been done on such short notice. Mr. Phillips stated they had only a small window of opportunity, because it had to happen before the next meeting.

8:29:54 PM Ms. Vandemark described what she had seen during the balloon test, noting she could not see the balloons from Ayr Mount, but could see them through some of the trees on St. Mary's Road as you headed towards Miller Street. She said she had gone back later that afternoon and the balloons had already started to tangle and come down, so if you did not see them right after they were flown you would not have gotten the full effect. Ms. Vandemark stated the problem was the wind, and there was nothing the applicant could do about that.

Mr. Farrelly stated he would like to allow the public to speak at this time.

8:31:22 PM Penny Rand, who was previously sworn, asked that the Board not set a precedent for four-story buildings and not to allow the alley scheme in the alternative plan handed out this evening.

8:32:33 PM Judith Harrow, after having been sworn, stated she had lived in Hillsborough for 20 years. She said that a four-story building would set a precedent, and it was demeaning to the character of Hillsborough. Ms. Harrow stated that other issues of concern were traffic on US 70, and providing water to the site.

8:34:25 PM Pam Isner, after having been sworn, stated she lived next to Lee Gordon, the key abutter. She said she was not supportive of a variance that would allow a four-story building. Ms. Isner commented that a darker building color would also be better; that she would prefer not to have the alley; and liked the duplex concept.

8:35:48 PM Andrea Shapiro, having been previously sworn, stated some people from EYC had taken pictures of the balloons, but had not shared them today and wondered why. She said she could see the top balloon from several of her windows, and you would think that a 75-foot building would be even more visible. But, she said, it would not because there were two buildings even larger that were closer to her home. Ms. Shapiro stated that only the building in the center had been ballooned. She said the amount of intrusion from 8 four-story buildings would be "huge."

Mr. Farrelly asked had she seen the balloons through the trees or above the trees. Ms. Shapiro responded through the tops of the trees, but that was the building in the center. She reiterated that the two other buildings would be closer, and the impact would be huge.

Ms. Shapiro stated that this plan called for 275 units; there were 40 units in that plan on the fourth floor; and, that if you took those away there would be 235 units which were five more than what had been said was necessary to make the project work. She said therefore, if you took away the fourth floor, you would have five more units that they had testified were needed.

Ms. Shapiro said the original buffer in the original SUP was 100 feet; now it was 50 feet. She said the buffer should remain at 100 feet.

8:39:04 PM Mr. Lippard stated that the assisted living, skilled nursing, and dementia units were not units in the sense that they were talking about. He said they were essentially care rooms and the number of units they were talking about was 227 units.

Ms. Shapiro stated the information packet stated that there were 53 health care beds over and above the 275 units. Mr. Lippard stated of those 275 units, 47 were not part of the CCRC but were the single-family fee simple homes.

8:40:08 PM Brenda Bryant, after having been sworn, said one of her concerns was about the buffer. She said her family's property shared a long distance with this site. Ms. Bryant stated she wanted to see some type of really good buffer such as fast growing cedars to supplement that buffer. She said the alley was no good; that the concept of a CCRC was not bad; and, since it was part of the Town it should honor the ordinances and not ask for or expect any variances.

8:42:41 PM Lee Gordon, having been previously sworn, said he appreciated Mr. Coleman and his company working so diligently to accommodate the neighbors. He said it seemed that something changed each day, and first up was the change from a 100' buffer to a 50' buffer with a 8-foot path through the middle of it. Mr. Gordon said now tonight, it had gone back to a 75-foot buffer with an 8-foot path and a 20-foot road. He said the optimism shared by the architect for the layering of

vegetation between his home and others could allow them to see under the canopy, and, that canopy would not be green year-round.

Mr. Gordon asked what the square footage was of the duplexes. Mr. Lippard said 800 square feet, with a 3600 square foot footprint. Mr. Gordon said they could likely do away with some of those units.

Mr. Gordon said originally the plan showed that there would be duplexes wrapped around the east and southeast sides, but they had gone away and now they were back again. He said he would like to see them be benign in terms as the aesthetics as possible, and while it was an exciting idea he questioned the sacrifice they were being asked to make in term of potential property loss to accommodate this.

Mr. Gordon said if the project went forward, he would like to ask the developers to be accommodating and remove the alley, to remove the ten duplexes, to work cooperatively with neighbors to establish a lighting plan, and to show them exterior elevations that were not the white boards being shown now. Mr. Segmiller stated they would be providing sketches using different materials to help break the buildings up.

Mayor Stevens asked if the use of brick was a possibility. Mr. Segmiller said it was a possibility, and they would be happy to bring back drawings that used different materials.

Mr. Gordon remarked that he was impressed with the balloon test, but the size of the buildings concerned him. He added that he would like to see additional evergreen screening that would shelter and screen the neighbors to a higher degree, even if it had to be on his property and layered in. Mr. Gordon added that allowing four-story buildings would set a dangerous precedent.

8:49:20 PM Dana Hauer, after having been sworn, stated she did not like the proposal for four-story buildings, but otherwise like the project. She said she did not believe it would add to the traffic issue because the residents would be retired people who would not be adding vehicles to the rush hours.

8:50:21 PM Rolland Russell, after having been sworn, read a written statement from wife, Betsy, which said in part that she was concerned that the number of residences and health care rooms in such a limited area caused her concern about the quality of life the facility would be able to provide and the impact that would have on their community. Ms. Russell's letter noted that the limited parking in the site plan design was a problem, in that relatives and friends would avoid visiting residents due to the difficulty of parking, and the addition of health care rooms would exacerbate an already crowded situation. Ms. Russell also objected to the addition of a fourth floor to several of the buildings, noting that in the event of a fire evacuation would become more difficult. Her letter urged the Planning Board to recommend that the increased construction plan be revised.

Mr. Russell commented that he had served as a trustee for a 501(c)(3) elderly housing corporation, and the Town was rightly concerned with the replacement of its expenses and of its tax base with regard to this property. He agreed with his wife's comments regarding the need for increased parking for visitors as well as staff, and agreed with Ms. Hauer that traffic should not be an issue other than internally as people came and went throughout the day.

8:55:22 PM Mary Kay Obenchain, after having been sworn, stated that her stress level declined as she drove home from work in Raleigh to Hillsborough each day. She said that four-story buildings

would not add to the ambiance of the Town and to her would seem out of place. Ms. Obenchain stated that was why they had ordinances, and hoped that any plan would adhere to those ordinances rather than setting a precedent. She said she was also concerned about the additional infrastructure expenses involved, and ask if arrangements could be made to have attorneys sit down and work that out, because it seemed that an elderly population would need such things as additional ambulance services. Ms. Obenchain said she was also concerned about the availability of water, and wanted to have that looked at more closely. She said her final comment was what would happen if the 70% pre-sales were not successful, and how would that relate to any agreements made between the developer and the Town.

8:58:12 PM Mr. Segmiller stated that the four-story scheme was an attempt to keep the buffer and reduce the impact on the neighbors, so they had pushed the buildings closer together and by nature had to make it a little taller in order to get the number of units necessary. He said the fact that it was a four-story building did not alarm them because they had done CCRC's that were high rises, and that independent residents would be on those higher floors. Mr. Segmiller added that the buildings were built to very high fire code standards and were 100% sprinklered.

8:59:29 PM Mr. Lippard added that in terms of the well-being of the residents of this community, the importance of being able to easily access where the services of this community were delivered had a lot to do with why the community was designed as it was. He stated that ease of access to shared services directly impacted design.

9:00:32 PM Mr. Segmiller added they believed they had already addressed the parking issue, adding that the balance issue was that as residents lived in the facility they tended to get rid of their vehicles. He said five to ten years from now they did not want to have a sea of asphalt that was not being used. Mr. Segmiller said people would move into the community with one and perhaps two cars, but over time those vehicles would no longer be needed.

9:01:48 PM Ms. Vandemark asked if transportation services would be provided to such areas as grocery stores, doctor's offices, and that kind of thing. Mr. Segmiller replied yes.

9:02:10 PM Mr. Whitlow asked was there enough room for two-way traffic to access the parking structure. Mr. Segmiller replied yes.

9:02:52 PM Mr. Phillips said regarding comments about the 70% pre-sale and what happened it that was not successful, they enjoyed a very solid reputation with the lenders and underwriters and had one of the highest occupancy rates in their portfolio of projects. He said that at least three projects had been handed to them from underwriters and bankers to fix occupancy problems.

9:05:45 PM Mayor Stevens asked were there other four-story building in the Town or in their planning jurisdiction. Ms. Hauth stated she could not confirm that one way or another. She said the ordinance allowed building heights of 65 feet in many districts.

9:06:16 PM Mayor Stevens said the question about facades and materials had been answered. He said they had talked about the wellness center being almost half and half public use, and asked was there pedestrian access from the downtown to the site? Mr. Coleman said there was pedestrian access proposed to Caine Street. He said Caine Street was closed for 400 feet which was Ms. Gaster's yard, and in the final negotiations they had agreed to close that. Mr. Coleman said an alternative that he would like to pursue would be some sort of an access through the Sans Souci Estate, perhaps by way of

an easement. He said they had not yet looked at Corbin Street, because there was also direct connection to the unopened part of Corbin Street. Mayor Stevens added particularly to the fee simple houses. He said he understood there were some concerns with that, but there were real advantages to not having people driving in a community facility.

9:07:38 PM Mayor Stevens said something addressed very early was that they were really looking at an either/or situation. He said this was an unusual situation in that we already have an approved SUP, and we were looking at an alternative as a possibility. Mayor Stevens said he wanted to make sure they had some clarity as they went forward, and assuming this project was approved, they wanted it to be successful. Mr. Hornik said when the Mayor had said this was an either/or situation, what the applicant was asking for was to add this as an alternative to the approved SUP. He said they were not saying that this would be substituted for the MAHS, but were saying that if the new plan were approved, then the CCRC would take its place. Mayor Stevens said if for some reason this was not successful, they could not take part of this plan and put it with the previous plan without beginning the process all over again.

9:08:54 PM Mr. Coleman said for the benefit of those who may not know the details or the entire history of this, there were three parties involved: the Town, the neighbors, and the applicants. He said that all three parties lost under the existing SUP. Mr. Coleman explained the differences between a MAHS and a CCRC, and how much improved the services and care would be under the new plan. He also described other improvements made to the site since the original plan was approved, and well as the perceived advantage and disadvantages.

9:12:14 PM Mayor Stevens stated that the issue of revenue neutral remained uncertain. He said he wanted to commend all parties for open communication and cooperation.

9:12:53 PM Ms. Wallace said if they could not agree that four stories was acceptable, then they needed to clearly say that now before the public hearing was closed.

9:13:30 PM Mr. Farrelly said they needed to feel that they had all the information they needed to make a recommendation to the Town Board before closing the public hearing. He said if they felt they did not have all the information they needed, then the hearing should be extended yet again. Ms. Wallace said if they were going to reject it on the basis of the four stories, especially, then they needed to discuss that before the hearing was closed and ask the applicant to respond.

9:14:22 PM Commissioner Hallman agreed, noting he wanted to make sure they were doing in public hearing what they should be doing in public hearing, and that the respective boards were doing what they were suppose to be doing.

9:14:35 PM Ms. Vandemark said regarding height, she believed they should forget the number of stories and look at the number of feet in height. She asked was there anything that spoke to how high a building could be. Mr. Hornik said that most limitations in the Zoning Ordinance were based on the number of feet and not stories, but for this particular district there was no foot or height limitation, although it did have a three-story limit.

Mr. Farrelly said on some level that point was moot, because the applicant was not proposing three tall stories, but was proposing four stories. Ms. Vandemark said if the argument from the neighbors was

height, then if each story was 8 feet instead of ten feet then the building would be short enough that there would be no issue.

9:16:49 PM Mr. Chomick stated these buildings would be roughly 50 feet from the eave of the buildings. He said from grade it would be roughly 60 feet.

Mr. Ferri stated he had flown the balloon at 70 feet, because he believed that was the ridge elevation.

Mr. Segmiller said most ordinances measured height to an average height of a roof, not to the peak. He stated in virtually every location they had worked that had a story issue would also have a height limit that was measured by an average of the distance to the peak and the distance of the roof. Mr. Segmiller stated that meant it was measured from about two-thirds up the roof.

9:17:55 PM Mr. Barker asked the Board set a restriction on height at 65 feet, could they meet that. Mr. Segmiller responded they met that now, with the four-story building.

9:18:21 PM Mr. Remington said they were getting into deliberation issues as opposed to public hearing issues. Mr. Farrelly said that Ms. Wallace had made a good point, in that if the four stories was an issue then that needed to be said so that they could get a response, and then the Board would have that information during its deliberation.

9:19:01 PM Ms. Wallace stated she did not believe the Board had a firm opinion on that, in that it appeared the Board members had a variety of opinions.

Mr. Farrelly said it was a confusing issue when you talked about the height limitations and the actual stories. He said the four story height was under what had been done elsewhere, 65 feet was the limit allowed, and this project was below that. Ms. Hauth said she wanted to make it clear that this district did not have a height number associated with it, but it did state three stories. Mr. Farrelly stated that the other districts that had a height limit had it set at 65 feet. Ms. Hauth said the highest number was 65 feet, that it ranged from 30 to 65 feet.

Mayor Stevens said in this plan the buildings would be under 65 feet, from the peak of the roof. He said the issue was partly the precedence in the appearance in Hillsborough, and were they within what would be allowed in other places in Town. Ms. Hauth added that height was measured from the mean elevation to the highest grade, which was what the applicant was stating they were meeting.

9:21:49 PM Lee Gordon stated that he was not adamantly opposed to four stories, in that it could be done in a way that it did not look like it was four floors. He said that could be done by using brick, using darker exterior colors, and dropping the truss system with a lower roof pitch so that it blended into the surrounding area.

9:22:37 PM Mr. Chomick stated that in respect to Mr. Gordon, they had wanted to lower the scale of everything along his side of the site. He said if they looked at taking away those cottages along that southeast corner, the three-story building in the middle would have to be pushed out 50 feet. Mr. Chomick said right now that building from the property line was 75 feet, and from the edge of the other building was another 100+ feet. So, he said, they were about 150 feet from the property line to that building.

9:23:16 PM Ms. Shapiro said she would like to request the same consideration for herself that Mr. Gordon was receiving. She asked that they take the two enormous buildings that were directly behind the pond and directly behind her house and make them duplexes. Mr. Ferri said they did not have the flexibility to do that, noting that if they did that they would be expanding out into the campus which would remove more green space and increase the impervious areas. Ms. Shapiro said they had done it once by demonstrating that they had the flexibility to put duplexes where they had put huge houses, and asked that they do that again to accommodate her.

Mr. Ferri commented that her property line was 1200 feet away, whereas Mr. Gordon's was 100 feet. Ms. Shapiro stated she could see the balloons from her backyard. Mr. Ferri stated he had taken a picture from her backyard and the balloon was not visible.

9:25:04 PM Mr. Whitlow wondered about the exposed parking deck, and asked was there any option to incorporate the two four-story buildings by flattening them and spreading them out over the parking structure. Mr. Ferri responded there was a parking deck below that structure. Mr. Whitlow asked why it could not be incorporated so that those four-story buildings were flattened and spread out on top of the parking deck. Mr. Ferri said that would move them closer to Ms. Shapiro's house.

9:27:34 PM Ms. Wallace asked what the height would be in the MAHS plan if this plan were rejected. Mr. Ferri responded three stories, and in theory it could be the same height as what was now being proposed.

9:29:07 PM Mr. Ferri stated that the elevation of Ms. Shapiro's house was 25 feet below the elevation of the buildings being discussed, which greatly affected the view of them. He said a three story building could have 10 foot ceilings, although it was possible they would be nine feet, but that would mean that there were be 12 feet floor to floor. Mr. Ferri said the four-story concrete structure would likely have a thinner floor-ceiling assembly, so it was not just one story less. He said it was probably something less than that with the difference in the height between the two. Mr. Ferri said that difference would be below 10 feet.

9:30:18 PM Ms. Wallace asked would evergreens help with the view. Ms. Shapiro said she was the lowest house on St. Mary's Road, so already something would look down on her property. She said to make the buildings even higher was even worse. She said that evergreens were better than no evergreens but they would have to be of a substantial size to help.

9:31:49 PM Mr. Farrelly asked the Board if they had all the information they needed in order to make a recommendation to the Town Board.

Ms. Wallace said yes, if they had enough information regarding the difference in cost to the Town. Mr. Farrelly said he did not believe they did, but the applicant had done all they could. He said they could keep the hearing open, or they could close the hearing and the applicant would have to live with the decision. Mr. Farrelly said the applicant had described how they had interpreted that and would try to make good on it, and he believed that was about as good as they were going to get.

Mr. Ferri stated the point they had tried to make was that they could not negotiate that at this point, that it was something that needed the involvement of the Town Attorney and the applicant's attorney. He said they could not negotiate the terms of something that was governed by statute, which was a statute

that in theory was in place to offer relief to entities that were contributing what would normally be tax dollars in some other way.

9:34:31 PM Commissioner Hallman stated that could be covered by a condition in the approval.

ITEM #4: Adjourn Town Board

Upon a motion by Commissioner Hallman, seconded by Ms. Wallace, the Boards moved to close the public hearing. The motion was adopted unanimously.

9:35:25 PM Mr. Farrelly stated the public hearing was now adjourned and the Town Board was excused so that the Planning Board could continue its meeting. He called for a short break.

BREAK

ITEM #5: Prepare recommendations to the Town Board on the Corbinton Commons Special Use Permit modification request.

9:42:54 PM Mr. Farrelly called the meeting back to order, and asked for comments.

9:43:10 PM Ms. Vandemark said she really liked the idea, that a CCRC would be a benefit for the Town, that it would bring in people who would shop in the Town, that a lot of the people would be local, and in that sense it was a boon for Hillsborough. She said it was better than if you put up single-family homes in that area. Ms. Vandemark said she was not sure about it being revenue neutral, so that needed to be worked out. She said as far as three stories versus four stories, it was the height and not the number of stories that was of concern. Ms. Vandemark said if it fell within the standard of the rest of the Town and it was buffered, then it was okay. She said she did not see it as a terrible addition to the area, and in fact believed it would be a good addition.

9:45:36 PM Mr. Barker said he did live with a large commercial property behind his house, and it was about 20 feet higher than his house with a 25 foot brick wall that he could see. He said part of that brick wall was Wal-Mart's loading dock. But, he said, it was not too bad and it was barely noticeable in the summer. He said he did not share the utility consumption concern that was raised. Mr. Barker said in general with a commitment to 60 or even 65 feet peaks on the structures he believed it would be reasonable.

9:47:26 PM Ms. Woodman said she was not as comfortable about the height, noting there was a big difference between three and four stories. She added that she applauded the loss of the fifth floor. Ms. Woodman said the variation in height was good, but they could go further. She said she was also concerned about revenue neutrality.

9:48:33 PM Mr. Whitlow said when an elderly person slipped and fell the Fire Department would usually come, and those increased trips by the Fire Department would need to be considered. He said the height of the buildings seemed out of scale with the surrounding homes. Mr. Whitlow said the US 70 Strategic Plan called for two and three stories, so this would set a precedent. He said perhaps the two buildings closest to the pond could be lowered to three stories and somehow incorporate the parking deck. He said he believed he could live with the project if the buildings were three stories rather than four stories.

9:51:05 PM Mr. Remington wondered if there was some way to put something over the parking lot to bring the height down to three stories. He said failing that, he was concerned that there might not be much more room to give on this. Mr. Remington said he agreed with the point that if they wanted to have a Town that was going to participate in some reasonable way with the growth that was happening in the overall area without increasing the suburban sprawl, then they were going to be seeing some density development and taller buildings. He said he would be advocating in favor of that at the risk of some other things that he cared about, noting he would rather err in that direction. Mr. Remington said he believed things could be done to mitigate that some with the judicious use of brick and stone siding and plantings. He said he would prefer something other than the Cypresses, but whatever appealed to the neighbors was fine with him. Mr. Remington said the alley should be removed, adding it compromised the ability to buffer that effectively.

9:53:38 PM Ms. Wallace said they needed to remember to pay attention to what they would be getting if this plan was not approved. She said in that case what would they be getting, noting it seemed that it would be better for the Town compared to the alternative. Ms. Wallace said this was supposed to be a better model and it should be better for the Town.

Ms. Vandemark said part of the difference was the type of facility and the level of care.

Ms. Wallace said they needed to balance the benefit with the impact to the neighbors, noting it looked like less impact to her.

9:56:02 PM Mr. Remington said regarding the emergency visits, staff would be present 24/7 so that should reduce the potential calls to the Fire Department mentioned earlier. He said if it were a medical emergency then the Fire Department would be called, but having medical staff on site would somewhat reduce those calls.

Mr. Farrelly said it appeared the real sticking point was the height. He said he wanted to hear from the applicant and ask what they could say to address that one point of concern.

9:59:35 PM Mr. Lippard stated what they were hearing was that there was one particular four-story building that was the chief offender. He said they needed a certain number of units to make the project work, and they were limited in where they could redistribute units. Mr. Lippard said they could say without question that they could reduce one building to three stories, and find a way, possibly by reducing the square footage of the duplexes, and redistribute them somewhere else. He said they would work hard to make the screening issue to go away through landscaping and the use of evergreens. Mr. Lippard said to make the community viable, they had to have a certain number of units, and if they could go elsewhere they would.

10:04:31 PM Ms. Woodman said there was somewhere else to go, and that was across the stream. Mr. Lippard responded that elderly residents needed to be able to walk to the common areas, noting the second generation of residents came in older than 75 years of age. He said the access to central services was critical.

10:05:39 PM Mr. Whitlow, using the site plan, suggested turning out one of the buildings and twisting another one, then replace another building that was configured differently. Mr. Segmiller and Mr. Chomick indicated that that area dropped off considerably and they would have to fill that hole to

make it work. Mr. Segmiller said that Ms. Shapiro's property was 500 feet away and at an elevation of 515', and their property was at 540'. He said if they turned the building to an L-shaped, she would see more.

Mr. Chomick said regarding the height, they could meet the 65' maximum to the peak. Ms. Hauth said that was the most the Town's ordinance allowed in any district. Mr. Chomick said the average height to the roof would be much less, perhaps 60 feet or less.

Ms. Wallace asked what height limit commitment they could get with a three-story building. Mr. Chomick responded perhaps around 48 feet.

10:09:38 PM Mr. Farrelly asked Ms. Shapiro what she thought about what the developer had just said. Ms. Shapiro said it was clear that three stories were better than four stories, and it was also good that it was just a corner facing her house.

Mr. Gordon said the clientele of this facility would be of a higher standard, and that would benefit the Town in a number of ways. He said if the developers could give them assurances that they would be meticulous and work with the neighbors, that it would mean they probably had done all that they could do and this was likely the best they could get.

10:12:39 PM Mr. Farrelly asked the Board had the developer's comments help to ease their concern about the height, or did they still have concerns.

10:13:04 PM Ms. Wallace said she appreciated Mr. Segmiller's argument that density could be good and it was coming, but her main concern remained the height and the effect on the neighbors on that beautiful road. She said she understood that could not stop the development, but they needed to get that one building down to three stories.

10:13:48 PM Ms. Woodman said she was pleased they had shaved one floor off the corner building, but would like to see them continue that with the other two buildings. She said she would like to see the building next to that one at three stories as well as the corner building on the other end. Mr. Segmiller said the problem was they were out of land and had no room to spread out without eating into the buffers.

10:14:33 PM Mr. Whitlow said he was torn, in that the old plan was really bad and he liked the more urban style development. He said he also knew he would be really annoyed if he was a neighbor and the Code was written a certain way. Mr. Whitlow said perhaps the Code should be changed to say that no more than three stories would be allowed. He asked about the parking area which was a deck. Mr. Segmiller stated it was at grade and would not be seen, and it would not be seen from the southwestern side. He added that if the building was brick and so would this be, rather than concrete.

10:16:02 PM Mr. Farrelly said one building did not have a fixed height, although the developer had said the maximum would be 65 feet. He said that would set a different type of precedent.

Mr. Whitlow asked could they make another trade; that is, take a story off one building and increase another to 4 stories. He wondered if that would be more palatable to the neighbors. Mr. Gordon responded that would make Ms. Shapiro happier but him less happy.

10:18:32 PM Mr. Farrelly asked who on the Board adamantly objected to anything above three stories.

Ms. Woodman said she was still concerned about the precedent, but did not want the other plan. Mr. Barker said choosing this would not negate the other plan in itself, but gave them the option. Ms. Woodman said it would still be a precedent.

10:19:12 PM Mr. Hornik said regarding a precedent this was a special use district, and you could do whatever you wanted within the confines of that special district. He said there was language in the standards that said when the appropriate circumstances presented itself the Town Board had the authority to vary, for instance, from the three story or four story limitations. He said if it was the right application, within the confines of the purpose, you could waive standards in appropriate circumstances. Mr. Hornik said he offered that to show there was flexibility built into the special use process in the ordinance.

Mr. Hornik said he believed that the way three stories had come about was when Corbinton Commons was first presented, and the Town was creating this special use district based on that proposal, and it was proposed for a maximum height of three stories. He said because Corbinton was proposing three stories, that was what had been placed in the standards for this district. Mr. Hornik said three stories was not placed in the ordinance because that was as high as you could go, but because that was what was being proposed at the time the district was created.

Ms. Hauth said another issue that was much more important at the time the standards were written was to insist that there be elevators, because they had another proposal that had three stories without elevators. She said at the time they had been more caught up in the elevator issue than the building height issue.

Mr. Hornik said he was not saying they should accept the four stories, only that the three stories was somewhat arbitrarily arrived at and he did not believe it was intended by the Town Board to say that three stories was as high as they would ever consider going.

10:21:45 PM Mr. Barker said he believed the precedent would be that they were saying that that a CCRC along US 70 could be 65'. He said any other proposal would likely not have the same criteria.

Ms. Vandemark said each application was looked at uniquely and not based on what had been done in the past, so it was not really setting a precedent.

Ms. Woodman said they could say that, but her question would be did that leave them vulnerable. Mr. Hornik said you only needed to articulate why this was different from others, and to create a rational basis for why it was treated differently. He said they were not working from a blank slate, but from a plan that the developer had the right to build, and that was certainly something that distinguished it from the next application that would come in.

10:23:43 PM Mr. Farrelly asked what if this never happened and they were thinking about this type of district. He asked what would have been the considerations in terms of height and compatibility with where this type of district would be used.

Ms. Hawth said if they were starting from scratch in this district, she believed they would want to do some of the things this applicant had testified to as to what the new model was for a CCRC. She said the new model was becoming denser because walkability was so important and the average age of residents was increasing. Ms. Hawth said that spoke to what this type of district might have allowed. She said if they were writing the standards now it would likely be different in terms of discussions about stories, in that maybe they would set a height limit and maybe they wouldn't, and maybe they would talk about how it addressed the neighborhood.

Ms. Hawth said they had not done a lot of research on retirement centers when the standards were written, but wrote it based on a plan that had been presented to the Town. But, she said, it was a valid concern, reflecting how it related to the neighborhood. She said one question might be was it compatible with the surrounding neighborhood, and could you even see the surrounding neighborhood to know whether it was compatible. Ms. Hawth said what they had looked at when writing the standards was to make sure the ranges of services was included. She said at that time they did not know the differences between CCRC's, assisted living facilities and the like, so if they were writing the standards now it would likely be very different.

10:27:04 PM Mr. Farrelly said the thing that troubled him was that there was not a lot of thought put in the number of stories or the height, and had they put more thought into it they may not have set any limits because it was a special use district and each proposal would be different. He said they needed to determine if the development felt compatible with the surrounding neighborhoods and did it seem harmonious, and forget about precedent because it was a special use district. Mr. Farrelly said they could imagine they were in that scenario and not get hung up on the three stories or the height.

Mr. Farrelly said what did concern him was that this development had a lot of structures, and flying balloons would not really convey what this would translate into in terms of what the neighbors would face. He said aside from the attributes of the other plan, it was three stories, and at some level they were trusting that what the developers were saying was if it was limited to three stories they would walk away and go back to the previous plan because they would not get the number of units necessary to be viable. Mr. Farrelly said given the size and space, the developers had to go up because they could not go out, but since the Town was not privy to the business model they could not really know what all the variables were.

10:30:35 PM Mr. Barker asked if their test question was to determine if it was worthy to send forward.

Mr. Farrelly said they would make a recommendation as to what they think it should look like, one way or another. He said they should all be thinking about whether they would be proud to have recommended this plan as it currently stood once it reached build out.

10:33:05 PM Ms. Wallace asked how could you vote on three stories, since it was a completely different thing.

Mr. Farrelly said then you should say you did not like the plan because of that. He said if the developers could respond to that then they would, and if they did not then they could hope that the Town Board would make a different decision.

10:33:55 PM Ms. Vandemark said she would like to asked the neighbors if they could live with it.

10:34:22 PM Ms. Shapiro said that a CCRC was better for the Town and for the neighbors, but she was not convinced that they could not make a profit and not ruin her back yard. She said she would not smile about it, but it was an improvement having the building three stories, adding she would rather they all be three stories. Ms. Shapiro asked if the Planning Board's recommendation could include that the applicant had already agreed to make that building three stories. She said her question was whether that height limit could be incorporated.

Mr. Farrelly said that could be made clear as part of the recommendation.

10:35:49 PM Mr. Remington said there were several other items that needed to be discussed, one of which was the question of pedestrian access. He wondered if it should be made a condition that the applicant work out some sort of pedestrian access towards the downtown. Mr. Remington said regarding the revenue neutral issue, the applicant had said they would pay for the trash collection, so that should be a condition.

Mr. Hornik noted that on the CCRC side of the site, because of the number of units that commercial dumpster service would be provided, which was required by the Commercial Solid Waste ordinance.

Ms. Hauth noted that the duplexes that were a part of the CCRC would not be included, that they would have regular trash service.

10:37:51 PM Mr. Whitlow asked what the state was of the pedestrian connection to the neighborhood at Corbin Street. Ms. Hauth said the previous plan showed pedestrian access out to Corbin Street. Mr. Whitlow said then that needed to remain with the new plan.

10:38:53 PM The Board then listed the conditions identified thus far with some brief discussion:

- 65' maximum peak for 4-story building
- 53' maximum peak for 3-story buildings
- pedestrian access to Corbin Street
- opaque vegetative screen along the south and east of mutually satisfactory materials with the neighbors
- lighting not to exceed .5 footcandle at property edge
- southernmost corner structure reduced from 4 to 3 stories and units moved elsewhere
- the alley would be eliminated behind the duplexes
- developer would incorporate the use of brick and stone for exterior materials to make the site more visually appealing
- parking deck exterior to receive the same exterior treatment as the buildings
- 5 duplexes would become 14 units not to exceed 1600 square feet per unit, not including garage
- standard conditions and non-MAHS conditions carry
- street does not connect to St. Mary's Road
- final approval of construction drawings and other standards
- conditions in original SUP that do not impact CCRC to be carried forward to this plan

Mr. Farrelly said it was important that the Town Board understood their rationale and some of the issues that still made them uncomfortable.

MOTION: **Mr. Remington** moved to recommend approval of the SUP Modification Request for Corbinton Commons to the Town Board with the amendment to convert to a CCRC model as proposed with the following modifications and conditions:

1. southernmost building of the complex east of the stream will be reduced from 4 stories to 3 stories
2. 5 duplexes would increase to 14 units at 1600 square feet each, not including garage, and garages would face the house
3. maximum height (peak) be no more than 65' for 4 story; no more than 53' for 3 story
4. no alley behind duplexes
5. exterior siding materials will incorporate brick and/or stone – 40% in vertical sections and remaining siding be neutral with a variety of colors
6. pedestrian access to Corbin Street to connect to downtown
7. opaque vegetative buffer – 8' to 10' at installed height
8. maintain all existing conditions not specific to MAHS
9. .5 footcandle light limits at property line
10. exterior parking deck will be treated with the same finish as the building
11. turned duplex plan with alley eliminated
12. all CCRC units will be served by dumpster
13. no street connection to St. Mary's Road provided by the applicant
14. final approval of construction drawings and other standards
15. conditions in original SUP that do not impact CCRC were carried forward to this plan
16. applicant and Town shall negotiate terms regarding revenue neutrality
17. the 50-foot buffer shall be preserved as much as possible with the understanding that there would be path through it
18. entire CCRC would be treated as a unit for the purposes of trash collection, which was the entire east side of the creek, for which the developer or CCRC would be financially responsible
19. fence with gate in sewer easement at Caine Street if approved by Town utilities

10:59:38 PM Mr. Remington said it was important to state that the height variance was acceptable in consistency with other height limits in Town and to make the size of the development viable for its intended purposes. There was general agreement from the Board.

SECOND: **Ms. Vandemark.**

VOTE: Unanimous (Wallace, Remington, Farrelly, Vandemark, Barker, Woodman, and Whitlow).

Mr. Farrelly said that personally he wanted 3 stories and nothing more, but the project was also offering a lot of benefit to the Town and was better than the alternative, and hopefully they would all be proud of it when it was completed.

Ms. Woodman said she would like to see the Town Board get more of the buildings close to the neighborhoods scaled back to 3 stories.

ITEM #6: Committee Reports and Updates.

11:03:10 PM Mr. Remington, for the Board of Adjustment, said that at its March meeting the BOA had approved a Special Exemption Permit for an addition to a house on a non-conforming lot; they had an appeal regarding when campaign signs went up before an election, which was for it to be tied to the early voting date rather than election day, which the BOA had agreed to; and, they had held a special meeting with the Historic District Commission to discuss issues related to the Hopper appeal.

11:05:31 PM Ms. Wallace, for the Parks and Recreation Board, said they continued to work on their Connectivity Plan; and, had heard a request from the Tryon Business Center at Meadowlands for a recommendation to the Town Board to donate land rather than make a payment-in-lieu of providing recreation area, and the Board had said they would rather have the funds.

11:06:00 PM Ms. Vandemark, for the Tourism Board, stated their next meeting would be a presentation of the grant applications.

ITEM #7: Discussion of ordinance requirements for temporary signs.

MOTION: Mr. Barker moved to table this item.

SECOND: Mr. Remington.

VOTE: Unanimous.

ITEM #8: Election of Officers.

11:07:11 PM Mr. Farrelly stated that at present he was the Chair and Ms. Vandemark was the Vice Chair. Ms. Hauth said they also needed to make the appointments to the Board of Adjustment and the Park and Recreation Board.

MOTION: Mr. Barker moved to keep the present officers for the upcoming year, as well as the present representatives to the Board of Adjustment and the Parks and Recreation Board.

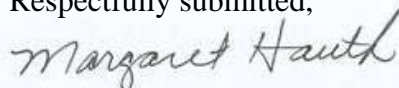
SECOND: Ms. Woodman.

VOTE: Unanimous.

ITEM #9: Adjourn.

Upon a motion by Mr. Remington, seconded by Ms. Vandemark, the Board moved to adjourn the meeting. The vote was unanimous. The meeting was adjourned at 11:11 p.m.

Respectfully submitted,



Margaret A. Hauth, Secretary