

A regular meeting of the Town of Victor Planning Board was held on Tuesday, March 12, 2019 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Ernie Santoro, Chairman; Joe Logan, Vice Chairman; Heather Zollo, Al Gallina, Rich Seiter

OTHERS: Wes Pettee, Town Engineer, Dave Condon, Town Board Liaison; David Nankin; Lee Wagar; Rachel Hargather; John Gauthier; Theresa Reed; Stephen Toomey; Dennis Buchovecky; Elain Buchovecky; George Hitchcock; Sue Davie; James Cretkos; John & Kristin Moore; Ed Wilson; Sue Stehling; Gloria & Dave Schund; Brian Emelson; Scott & Kelly Goforth; Jerry Pasek; Fred Rainaldi; Scott DeHollander; Lisa Boughton, Secretary;

The meeting was opened, the Flag was saluted, and the Pledge of Allegiance was recited.

Chairman Santoro made the announcements regarding emergency exits; restrooms; attendance sheet; business cards; resolutions and agenda; conversations and cell phones.

APPROVAL OF MINUTES

January 8, 2019

On motion of Joe Logan, seconded by Al Gallina,
RESOLVED that the minutes of January 8, 2019 be approved.

Ernie Santoro	Aye
Joe Logan	Aye
Heather Zollo	Aye
Al Gallina	Aye
Rich Seiter	Aye

Approved 5 Ayes, 0 Nays

January 23, 2019

On motion of Rich Seiter, seconded by Heather Zollo,
RESOLVED that the minutes of January 23, 2019 be approved.

Ernie Santoro	Aye
Joe Logan	Abstained
Heather Zollo	Aye
Al Gallina	Aye
Rich Seiter	Aye

Approved 4 Ayes, 0 Nays, 1 Abstention

BOARDS AND COMMITTEE UPDATES

Town Board reported by Dave Condon – Nothing to report

PUBLIC HEARING

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

PIPER MEADOWS SUBDIVISION

1-PS-19

860 High Street & 870 High St

Zoned Residential 1 w/C overlay

Owner – 860 Andrew Glasgow (20.40 acres) & 870 Glenn Piper (20.6 acres)

Applicant is requesting approval for a 41 lot subdivision on 41.09 acres. The project is comprised of 2 adjacent parcels approximately 20 acres each and will consist of 2 existing single family homes and 39 additional lots. Section 1 will consist of 21 single family homes and Section 2 will consist of 20 townhouse lots (ten 2-unit bldgs). This will be the second step in a 3 step process for a major subdivision. The Sketch Plan was acknowledged complete October 23, 2018.

Mr. Jeff Morrell from Morrell Builders addressed the Board.

Mr. Morrell – I’ll be very brief this evening. Over the past month we’ve had opportunities to meet with and/or have conference calls with Town Staff. We’ve submitted all of our technical issues to the various agencies at this stage and I just wanted this evening to bring the Board’s attention to a couple of developments that have taken place from the prior approved concept plan to today’s plan as a result of some of those discussions and feedback that we’ve received from various staff agencies.

The first being, we had an excellent meeting with regards to walkability of the community and sidewalk connectivity with the community. What we’ve been able to do obviously is address those comments, we have the internal sidewalks here (referring to the overhead screen) and here on both of the cul-de-sac streets. But we also have the ability now to extend the sidewalk from this position down to the corner and working with Brian Emelson and ultimately that sidewalk connection will extend to the west on Lane Rd and into the school district. As you know, the sidewalk is already fully down High Street here so it’s a great opportunity for us to have direct

walkable access of the project to the school district. Obviously the purpose of Planning & Zoning and the density of this location is to take advantage of the instant access to the schools.

Second is we're taking advantage to create inner connectivity between the communities and there already is an existing farm road that connects the two there. So without needing to do any additional clearing or additional impact from an environment perspective, we can utilize where our sewer connection is, go on the farm road and then connect into the community here to create connectivity between the two neighborhoods that way. This area, where the open space is, already has a number of well used trails. Those trails have been developed over many, many years on the parcel. They're completely cleared, they're bush-hogged every year so there's an extensive trail network already in place. So in addition to creating connectivity between the two streets, we can also create immediate access for those residents in the more natural environment to the south.

The second issue that I want to draw your attention to is right here is where this access point is. As you know we eliminated the inner connectivity between the two streets. Originally we had our access point coming immediately adjoining the neighbor to the south. We were able to work with the Glasgow/Piper family and actually adjust this entry to create an immediate buffer along with this adjoined parcel. So we shifted that access about 40 ft to the north. This also allowed us to extend a little bit of length here and reduce the grade of that to Town designed construction standards at 8%. So what you're looking at is a shift from this position to this position allowing for the buffer along this property line. We have plenty of sight distance there at both of our entry points actually so from that perspective it was an appropriate shift to make.

All of the other technical issues have been submitted and now responded to. So this evening we're really just listening for any additional public comments that we can address. Ultimately consolidate those comments, the responding kind and closing the public hearing and move on to the final technical engineering aspects and the SEQR process. With that I open it up to the Board if you have any questions or the general public.

Chairman Santoro asked for public comments.

Ms. Sue Davie from 930 High Street – Good evening. I have handed out a booklet and put on the front page the two municipalities that are using this. It's called the Green Infrastructure Municipality Handbook. I know that Greece and Canandaigua are using this. This is really to enhance what they already have as far as handling flooding and runoff and any kind of erosion. So I put that on there. I don't know if we use it here but it has a lot of good suggestions.

Inside I've included the sketch map that I picked up yesterday. I have 10 concerns with this sketch map:

#1- If you look at what they were just talking about, how they've changed the shape of the entrance. As you can see, the lower entrance is right next door to my neighbors and that bowing has brought that closer to their property at the very corner as you can see up there (referring to the overhead screen). I don't know in the sketch plan if there was any...I didn't see it but I didn't see any kind of trees or buffer zones or

#2 - I didn't see and this is very important, I didn't see the swale. If you look on the map, the swale that goes north to south, it runs behind the properties. As you can see near the lower

entrance, there's a deep swale, it's about 20 ft wide and about 10 ft deep, it runs north and south, connects to the upper swale, and goes all the way underneath the Marshal Trail. This swale for years collected the water off of the school and runs down over the road and collects and Ron Marshal who used to live there said to me "and it runs like the Mississippi River whenever we have a high water event." So this needs to be addressed and kept there for that reason so we can eliminate any kind of flooding down below.

Mr. Logan asked Ms. Davies to utilize the laser and show the area on the overhead screen.

Ms. Davies – That swale I was just talking about runs behind these house and it's very significant.....inaudible.....will happen when that's eliminated. Also along with that I was talking about the swale as a natural water runoff, it cannot be enclosed in pipes, the swale is very in depth and in width, they collect the water runoff from the school property and since there are no ditches on either side of the road on High Street and I'm talking about all the way from here up to here (referring to the overhead screen) there are no ditches on either side of the road. So all of the water that runs off the school property goes over the road, goes in between the houses and down to that swale which is an issue because there's no....I talked to Chris Marshal just yesterday and asked him if there were any retention ponds on the school property to help collect the water especially on this side of the road and Chris told me they have three underground retention ponds and one that's above ground. But he said there is nothing here that collects the water and diverts the water under the road, it's just a total wash whenever there is rain or snow, and it just washes down because obviously this also is all clay.

#3 - The school snow melts and rain events drain from the parking lots down the slope.

#4 - Retention ponds, especially in 85% clay beds need fencing around them for safety. Clay beds with water in them do not drain. They are slippery when wet and a liability on any HOA members. So I know they talked about the two retention ponds on the property but I hope they also consider the fact of having some type of protection around those retention ponds because they are 85% clay, once the water is in them, it would be very difficult to get out, even if it was only a couple of feet of water in them.

My 5th concern is the R1 zoning and the duplex area has to change to R2 and have fire retardant walls in between the dwellings. So of course all of these are the duplexes and that's listed as R1 and I think because of the fact of the size of the homes when they are put together and the size of the lot has to be rezoned but I might be wrong about that.

#6 – This new map does not indicate single family homes. Now the one that I got, as you can see like the one that you have when I picked this up yesterday, it didn't have the homes on it so I was concerned about why they were eliminated on this map. But I see he has them on there tonight to see where they were going to be located.

#7 – It does not indicate where water treatment facility will be located. The law requires lawn water to be treated before released on ponds and swales. So I don't know if that is on this map, I don't see it, he didn't mention that being added but I do know that is now required, that any lawn water has to be collected from the lawns, from the downspouts has to be treated before being released into the swales. So he would obviously have to have two treatment facilities for both sections.

#8 – Additional trees and sound barrier on the border between the houses. That would be right here, we would like to see because we're going to be losing all of our trees which gives us a great sound barrier from Rt 96. We would like to have trees added here and for privacy is another thing that I'd like to see added.

#9 – Nothing indicates a connection for people to cross from High Street from the development to the existing sidewalk on the east side of High for students. What I mean by that is possibly here and here, kids are going to be crossing here. They need to have a crosswalk with flashing lights or whatever because the traffic on this road has increased immensely and also the speed and for the safety of the kids, I'd hope to see some kind of a crosswalk here and here with flashing lights to slow the cars down.

Chairman Santoro – I see a crosswalk on this plan.

Mr. Logan – The new plan he presented this evening does have a crosswalk.

Ms. Davies – I'm referring to this one that I got yesterday.

Chairman Santoro – The one that's before us now does have a crosswalk.

Ms. Davies – It does have a crosswalk.

Ms. Zollo – But it's at the corner of Lane and High, not where you're referring to.

Mr. Logan- There's a second one. He added one at the duplex crossing.

Ms. Davies – Because believe it or not, in these homes here, my neighbor has 2 boys and on this side of me, they have 1 daughter that's still in high school and then down here, they have 3 sons and I see them running across that street all the time. If we're going to be adding more houses up here, I can't imagine the number of kids that are going to be crossing the street to go to the sidewalk. So the point is with the traffic, I think what needs to be added is some kind of a stop, one of those flashing lights to slow people down, to reduce the speed of the traffic, something has to be done for the safety of the kids I feel. So that's where it's at.

Chairman Santoro – Thank you

Mr. Brian Emelson, Director of Parks & Rec- Just dove tailing to what Ms. Davies is talking about. We did have a very good meeting with the applicant as well as Wes and Kim Kinsella. The applicant has agreed to provide not only the crosswalks internal and external but also the striping for the crossing at the Lane/High intersection as well as the mid-block crossing in the Phase 2, I believe it is, portion of the development plan. Then the town would install the MUTCD signage advance warning and the pedestrian crosswalk signs at the location.

Mr. Logan to Mr. Emelson – Would it make sense to have....you know at the Victor Insulator location on Maple Ave, they actually have a flashing sign. I don't know if that would make sense.

Mr. Emelson – It would be nice. We have put in grant applications to have that a different places like Taylor Rise, I put in an application to put in a solar powered warning beacons that you see that Joe references at Victor Insulator. They are expensive so that town hasn't moved in that direction from a light pedestrian standpoint but we could look into it, something that we could definitely continue looking into. We haven't been successful so far but we looked at it for Taylor Rise for example which is in a stop control intersection that gets a lot traffic if you know Taylor Rise/Lane Rd, but we weren't able to get funding for that. But I could possibly discuss that with the Highway Superintendent.

Mr. Logan – That's actually a stop sign up there, right?

Mr. Emelson – It's a controlled intersection up there but still having the solar powered warning beacons makes a little....they have multiple sets of stop signs there.

Mr. Logan- I'm thinking of the ones where you press a button and the flashing lights come on at a midblock crossing.

Mr. Emelson – We've looked at those. I hesitate to commit to funds that I don't have control over.

Mr. Gallina – I'm not sure why we would be looking at the town to necessarily fund that activity.

Mr. Logan- If we're going to put a crossing on a busy street it makes sense for part of that crossing signage for pedestrians, the flashing lights for example, to include that in this project.

Are you comfortable with the trail connection between the two sections?

Mr. Emelson – There's some challenging areas. I would like to see a connection. I recommended the applicant not use wood chips as they tend to breakdown. A more natural surface, something that could be mowed or a beaten dirt path, something that's sinewy. There are some topographical challenges in that area as well as weather. If you put wood chips down, some applicants want to put the wood chips down because they have woodchips to lose, if you will! As a person who is involved in managing and maintaining a large trail system here, I just don't recommend them unless you're going to bring horse traffic to that area. It's good for horses as a more stable and slip resistant footing. I don't believe that this is going to be a horse destination trail. This is more to get neighbors connected to one another without having to go out and around the box. I have not walked this site and would be willing to walk it with the applicant at some point and look at the existing trail system and how we can refine and develop that. Some of the slopes might be prohibited from ADA and ASHTL compliant level. But if you take advantage of the existing system in there, it might be a good option.

Mr. Logan – I was just wondering about where the pathway comes into the single family home parcel instead of splitting #113/114 at the bottom of the cul-du-sac. Take it along the top of the Storm water management facility and come in past #117 and then have the sidewalk on the south side of the road and not the north side of the driveway.

Mr. Morrell – We had picked that location because of the sewer connection and the sewer easement there and the grades, specifically, we felt we will split in between the two lots. From an access right of way and grading perspective it was the most conducive. As I mentioned, there was a farm road already installed. That grade was very workable because they were moving pickup trucks between the front field and the rear field. We were trying to take advantage of where that grade was working best.

Mr. Logan – I can imagine that the owners of #113/#114 may not want a walk way so close between those two houses. If you put fencing up you will have this narrow alley of fence along there.

Mr. Emelson – Or Natural screening. Lots of times in these situations is to ask the applicant to put a 4x4 post and put a trail head sign there so that someone that is acquiring it/purchasing it they know up front. You will see people go for that specific location.

Mr. Morrell – A quick comment. We can certainly walk that parcel with Brian because the other access point obviously is where the access point is to the storm water management. Either one is perfectly acceptable for us as creating inter connectivity between the communities.

Mr. Pettee – I wanted to follow up on some of the comments that were just mention from Ms. Davie. I wanted to click on map here. The Town Engineer are reviewing storm water on this project and there are green infrastructure practices that are being proposed as part of this project. We have a storm water engineer at our office reviewing this and in terms of including elements, not only the subdivision plan but the grading plan, the storm water calculations and engineering report.

For example, on this grading plan, if you have the opportunity to stop into the Planning and Zoning Office, there is a grading plan that shows some storm water management in different areas. We are reviewing that in detail and then also have an aerial image.

Brings up aerial rendering

You can see the school campus over here and the two project parcels. There is a small portion of the campus has a general drainage flow towards this project area or in vicinity of the project. Much of the campus drains south of where this project is. Nonetheless, with the High Street improvement that was constructed a few years ago, you will see there are some catch basins alongside the roadway. They are designed to generally capture the water that is running off of the roadway but probably catches some of the water that might drain over land from the school. Even though you do not see ditches or swales alongside the road there are gutters and these catch basins to help deal with some of the storm water runoff there.

Mr. Logan – The rain doesn't sheet across the road, it is intercepted before it can do that? It goes into a closed drainage system.

Mr. Pettee – We are looking at the calculations and the storm water but I definitely appreciate the local perspective, someone that is a neighbor there. Thank you.

Chairman Santoro asks for any comments

Mr. Schond at 846 High Street – The area due north of the subdivision. *Uses pointer to address rendering.* Is this a sidewalk that is showing on the west side of the road now?

Chairman Santoro – Yes. Sidewalk running from the driveway on the north side up to the corner.

Mr. Schond – To what end?

Chairman Santoro offered Mr. Schond to look at new map that was handed out during meeting.

Mr. Schond – I have some concerns about that. Again, it is impinging on my property. This area here is a quick change of height down off the road. So there is going to be considerable fill required to make that sidewalk useable in that vicinity. Then when you come to this end – where do you expect them to go to? These are kids going to and from school and there is really no one here. All the foot traffic is going to be the direction into the school yard. I don't really understand how that helps the project at all. I believe the last time we had this board meeting you mentioned that there was a 20 foot pullback off my property line for a swale to be put in there between the rows of houses. I am still concerned. Although you have these catch basins for the runoff from the roads, the swale here is just redirecting to bring it into my property at a further point. Is that true?

Rich Tiede - There are two spots along this swale. One is that property line and the other one is at this property line where there is an inlet there and there is a pipe section there That brings the storm water into our closed pipe system and over.

Mr. Schond – Considering the pitch of the yards at that point, that would have to have some considerable depth to grade it back up to this pond? In other words, at this point, from this yard to my yard it is a pitch down of several feet. This point here in my yard is basically natural drain that comes across the road thru Nardozzis property. After the High Street improvement and with the sidewalk addition it was graded here to go into a drain that comes right into an open drainage area and a ditch that runs thru the length of my property. We are already catching this swale. What I understood was that if you add this sidewalk the plans are actually to add it all the way down Lane Road. Basically, you are catching my entire frontage onto the streets and adding sidewalks to it. Right now I have a buffer of trees that you are asking someone who is walking

the trail here that be afford some sort of a screening, if you will. The plans as far as I have been told is that you are just going to use my trees that I have here as the separation between this site and my property. I am not sure I am seeing a good increase in this plan for my house and property. We already have a drainage problem and we are going to have neighbors and lighting problems and horrific traffic. I think everyone here has said it at least once and now we are going to be digging new sidewalks thru the property pulling up my trees. Thanks.

Chairman Santoro – That is the purpose of a public hearing is to air your questions and your comments.

Mr. Morrell – I just wanted to address a couple of questions. The purpose of that swale obviously was to very specific to address any storm water management or runoff and bring the runoff to the south of the parcel and into storm water pond. At the current moment right now this area is all clear and there are no trees on this parcel. Right now current sheet flow of the storm water management is directly onto this parcel. We are actually looking to catch and capture current sheet flow and bring that into a controlled environment with a storm pond in the center part of the parcel. We are hoping to improve the storm water management situations thru our storm water management engineering. To the prior comment we are using green infrastructure on the DEC guidelines with regards to our storm water management with retention and treatment facilities on the project.

As it exists now from a buffering perspective, we are not doing any clearing because those trees are already cleared. Also we wanted to be cognizant of the neighbors which is why we shifted this road 40 feet to the north so that we could both have the right of way as well as maintain natural buffer along this adjoiner. This is already a wooded area if you saw the aerial from prior. All of that is going to be preserved and maintained.

With the regards to comments on sidewalks, the sidewalks are within the right of way on High Street. They are not in the applicants parcel and have plenty of workable grade between here and Lane and High Street. The objective of this connection point here is that the town has plans for sidewalk extensions along Lane Road. There is another applicant before the town that is looking to extend those sidewalks to the corner. The town is then looking to do sidewalk extensions from where the bus garage enters here up to Lane Road. The plan is obviously to have as much as a walkable community as possible. You would have sidewalks here and people could maintain walkability to the school. As you know, all sidewalks were constructed during the High Street improvement over the past couple of years up and down High Street on the east side of the road. Just from walkability and connectivity perspective it is really good planning and we are able to get to the corner and we will look at those additional options with regards to signalization or flashing lights at the intersection points.

Mr. Buchovecky hands out packets to the Board Members

Mr. Buchovecky – So we have heard a little bit tonight about storm water management, okay, so I thought it would be appropriate maybe to share with you a little bit about my experience with storm water management and Morrell Builders. My name is Dennis Buchovecky and I think the

information I have to share is relevant because there are some things in common between this developer. So, over the past seven or eight years the applicant, S&J Morrell, has come before this Planning Board multiple times to obtain approval for Silverton Glenn. You guys are quite familiar with Silverton Glenn I am sure.

Chairman Santoro – We are not here to discuss Silverton Glenn.

Mr. Buchovecky – I understand that. But I am here to share with some information that I think is relevant. Okay. I am here to share with you....

Mr. Pettee – Is the information directly related to the proposal that is in front of the Planning Board tonight?

Mr. Buchovecky – It is related to the applicant.

Mr. Pettee – I do not think the Planning Board is looking for information about the applicant. We are looking for comments specific to the subdivision application that is before the Planning Board tonight.

Mr. Buchovecky – So you are not looking, it doesn't matter that prior experience and prior history doesn't matter with...

Mr. Chairman Santoro – We are aware that you have sued the Town and Morrell. We cannot discuss this while that is pending.

Mr. Buchovecky – That is fine. So I would like to make sure, on public record, that I did share this information with the Town. Okay Planning Board. Maybe you guys do not think it's warranted but I think the information I am sharing here, a series of violation notices from the DEC, I will just pass them around to the group here. *Turns to public*. If anyone is interested in contacting me I would be happy to send you guys copies of this information. Thank you. Chairman Santoro asks for any other comments

Kristin Moore of 7133 Marshall Trail, private drive south of the townhome development

Ms. Moore – I would like to get more information about the status of the traffic study. We have got in addition to this the Dunbar Hill Project on Lane and the status of DiMarco's Fisher Ridge, which is supposed to impact High Street possibly Lane Road. Can you give any direction as to status to the traffic study when it will be public?

Mr. Pettee – So there is a letter in the towns file dated January 17th, 2019 from the Towns Traffic Engineer. I would encourage you to stop at the Planning and Zoning Office and have a look at the January 17th letter. The Towns Traffic Engineer is Clark Patterson Lee. We offer the following comments and observations: The applicant submitted engineers report, preliminary

site plans. The engineers report notes that the development will add 19 trips to the north entrance and 20 trips at the south entrance to the peak hour. Calculations were not provided to substantiate these numbers. The report notes however that these values are in accordance with the ITE Trip Generation Manual. This manual is the industry standard by which vehicular trips are calculated.

Ms. Zollo – They didn't actually do a traffic count between 7am and 8am or 8 am and 9am in the morning? The range I saw in my paperwork was from 7-9. Do we know which hour they are talking about, in the morning am?

Mr. Pettee – Do you mean the one hour between 7 and 9 am? That is a great question!

Ms. Zollo – 7 – 8 am would be the real peak hour. Certainly for the High School.

Mr. Pettee – The traffic Engineer indicated that we agree with the findings of what was in the engineers report and that there shouldn't be a significant impact on traffic. If there is a need for additional need on traffic then I think that is a message the Planning Board would send back to the applicant. We may also be able to get some guidance from the Towns Traffic Engineer on that.

Ms. Moore – That would be appreciated as someone who leaves in the morning and is impacted by traffic every morning. Parents driving their kids to school every morning it becomes backed up. We are close to the west entrance to the campus and there is traffic going both ways in the morning. In terms of that corner are you looking to do a fix light? It is a blinking light at a 4 way stop right now. What is the plan there because with these two developments, the 4 unit development on Lane and Fishers Ridge, what is the plan for that intersection?

Mr. Pettee – As a result of this project no improvements will be done to that intersection. There would need to be certain warrants that would be met to make any changes to that intersection. They have indicated here, the Traffic Engineer, the total peak hour vehicles at the North Entrance are 23 in the am hour. That is 6 entering and 17 exiting so that is 23 vehicles. That is between the peak hour between 7 and 9. I do not know if that is between 7 and 8 or 8 and 9 am. The South Entrance road B, three entering and 11 exiting for a total of 14 vehicles at the peak hour in the am. For comparison, the pm peak hour you have 24 vehicles between the hours of 4 and 6, at whatever the peak hour is. That is 15 entering and 9 exiting. Then 16 at South Entrance with 11 entering and five exiting.

Ms. Moore – I will say that most people will probably be heading north on High Street towards Lane and trying to take a left when the traffic is going the other way towards the school entrance, it will be quite considerable. If there is 20, roughly estimating, leaving at that time I hope the Board will seriously consider whatever is needed to do a proper study of that intersection. The impact of not only these developments but the others that are occurring on Lane and Fishers Ridge.

Chairman Santoro – Well perhaps the next time this is on the calendar we will have our traffic consultant come in elaborate on this report.

Mr. Buchovecky – Will this development require a zoning change?

Chairman Santoro – My understanding is no.

Mr. Buchovecky – I have read all the regulations that are publicly available. It is zoned R1, is that correct? Can someone please comment Yes or No?

Ms. Zollo – Yes it is zoned R1.

Mr. Buchovecky – I would like to start off with 211-13 Article 3. Okay. It says there are 22 mapped zoning districts created here and is R1, R2 and R3. I gave you this information in the packet and if you turn to page 4. It says 211-19 R1 districts permitted uses shall be as follows: Single family dwellings. A single detached residential dwelling, one single family detached unit is permitted per lot. Is there only one per lot here? Let me repeat, one single family detached unit per lot.

Chairman Santoro – These lots the line is going to go right down thru the duplex.

Mr. Buchovecky – So that is considered a lot then. That is one unit per lot. I don't know maybe...I interpret these as townhomes not single-family units but maybe you guys have a different definition.

Mr. Pettee – It is the Town Code Enforcement Officers duty to let us know whether or not the proposal meets the zoning standard. I also had a question about that. The Code Enforcement Officer did provide a determination that as they are shown on those plans. Each of those units is it on its own lot. *(Mr. Buchovecky interrupts)*

Mr. Buchovecky – They have setbacks. They have their setbacks associated with all the setback requirements are met then? Obviously the split down the middle is no setback.

Chairman Santoro – Would you please let him respond.

Mr. Pettee – He has provided his determination that what is proposed is compliant with an allowable use in the R1 Zoning district.

Mr. Buchovecky – okay, that is not what I read here.

Mr. Pettee – I would take that up with the Code Enforcement Officer and if... *(Mr. Buchovecky interrupts)*

Mr. Buchovecky – I think we need clarity here. It sounds like what most people read and they hear single-family detached unit, the word detached which means not connected, right? I think the Planning Board needs to get clarity on that to be frankly honest with you. You are pushing everything back on the citizens. The Code is written, it has been written.

Mr. Pettee – I understand that. If there is an aggrieved party with the Code Enforcement determination your avenue for resolving that is to take it to the Zoning Board of Appeals to get an interpretation from the ZBA. It is not the Planning Boards job to interpret the Code in that format. That is the job of the ZBA.

Mr. Buchovecky – So this is compliant with R1 then? Single-family units.

Chairman Santoro – That is the opinion we have from Code Enforcement.

Mr. Buchovecky – Thank you for your feedback.

Kelly Goforth at 7177 lane on the North side

Ms. Goforth – I just wanted to make sure that everyone understands there was one person that talked about the traffic. I want to be a second person that is concerned about the traffic. We have a hard time leaving our house in the morning between 7 and 8. Both my husband and I have to back out and we take our chances trying to get onto Lane.

As a pedestrian I run Lane and High every morning. Again I just want to echo it is peachy that we have a sidewalk but it is not plowed in the winter. I want everyone to understand that as from a pedestrian safety stand point. If kids are walking to school it is still very unsafe and I am thankful that the sidewalks have been added. We desperately need the pedestrian situation looked at on the corner of High and Lane, it is very dicey. It is not a square so people roll thru that intersection every morning.

I want to make sure that people understand that we are taking steps in the right direction. I would request that we look at the details of the traffic study that was done. Also to consider a speed limit change. Again from a safety perspective I do not understand why that is not a school zone. I would propose that whole area that people slow down and the people that are using High Street as a cut thru maybe would consider other options. We are going to have a lot of extra cars on the road. Thank you.

Chairman Santoro asked for any public comments

Ms. Zollo – I have some questions. I too wondered about the duplexes in the R1. I see that Al did say that as long as each one was on its own lot it met the R1 zoning. Under R2 it says two family dwellings. Two family dwellings include duplex units and semi attached single-family dwellings. I am puzzled by his interpretation of that when R1 says single-family detached. I am

wondering if we can get something even more definitive about what R1 really means. Just because you put them on their own lot there are still duplexes.

Mr. Morrell – I will try to explain that issue. From a fee simple for sale product and this code is the similar code of all municipalities. It is not an exception code in the Town of Victor. Fee simple for sale basically means that that entire lot is a fee simple for sale product and it is directly representative of its own tax parcel, its own title in perpetuity no different than any existing home. When codes read as two family what they are talking about is a unit where a two family dwelling is, as in that entire residence, has two families living within that residence. These homes are separated so that there is no interchange between the units like a traditional two family would be constructed in a city environment. There is a full firewall separation between the two and creating completely individualized lots and a fee simple title exchange in perpetuity. As I mentioned, this code is no different than any other towns that is considered a single-family residence.

Second, with regards to the purposing this has a C overlay district on it. That generates the density and the calculation of density which is one unit per acre. One of the key elements of this design is to utilize that townhome to reduce the overall footprint of the community. What the townhome allows is basically a very drastic reduction in environmental impacts as well as the diversity of housing. As you can see the total number of units on one part of the parcel of the colonial homes those are 100 foot frontage lots which require the community to stretch out. We took the position of basically offering a diversity of housing utilizing the fee simple structure of individual lots providing the duplex unit and being able to serve both the empty nester community as well the colonial home community. It is combination of both zoning, code compliance as well as good planning. Hopefully that addresses your question. I think that opinion from the Code Officer would representative of just about every opinion throughout Canandaigua and the Upstate NY area.

Ms. Zollo – I think we need to clarify our zoning law because that is not the way it reads in English. Maybe a legal interpretation from a court decision but its oddly written then and to separate them from R1 and R2 where R2 allows the duplexes. Moving on. I think we should get some kind of a traffic count if we can, to get some kind of handle on the traffic because it is cumulative with all these other projects coming in. We have the 300 apartments coming in down at the end of High Street with Woods at Valentown so I think it would be beneficial to everyone to have some kind of count on that intersection on Lane and High. I also had a question about the sewer connection at 96. I am wondering what pump station that sewer connection will be routed too and what the capacity of that pump station.

Mr. Tiede – That sewer routes to Pump Station 1. It is to the east. I have had many conversations with John Turner and we are working with him. He has assured me that sewer has excess capacity in it. He believes an issue with some excess storm water that enters our system but the Pump Station has plenty of capacity to it. We are working with him and his engineer to make sure that there aren't any adjustments to floats and things like that need to be done to the Pump Station.

Ms. Zollo – Did he give you a percentage of capacity that that Pump Station 1 is at?

Mr. Tiede – He did not give me a percentage of capacity. He gave me a run time and the capacity of the pump which we calculated into numbers and we provided it in the engineers report and his engineer has that. We are working with them very closely on that.

Chairman Santoro – For the benefit of everyone here, John Turner is?

Mr. Tiede – The Village Sewer Superintendent.

Ms. Zollo – That is all I have for right now.

Mr. Seiter – C20, the subdivision layout you have your zoning regulations listed required posed section 1 on single-family homes. Have 33,000 required 15,000 proposed. I don't see anything showing that on a lot by lot basis. How many lots are undersized of the 21 and likewise there is some significant reduction in setbacks, etc.? To the townhouses you're reducing from 33,000 to 4,300 with this arrangement. Did you at any time attempt to lay this out and meet the requirements or did you go right to these drastic reductions?

Mr. Morrell – This is being proposed under Town Law 278 as a clustering subdivision. The purpose of the clustering community is basically to reduce infrastructure layout and overall environmental impact. Relief of clustering provisions like setbacks allow the design of the community to reduce street lights, reduce overall size of lots so that community doesn't ultimately stretch into more environmental areas.

I think in understanding the two markets we are trying to serve we looked at the colonial homes being a frontage of 100 feet. We didn't believe that larger than 100 feet as representative of this area is appropriate so that objective was for the colonial homes. With regards to the townhomes, overall from a maintenance and long term HOA management perspective, HOA and the empty nesters that are being served by the townhomes are really looking to reduce lawn area and overall impact of maintenance on a long term basis. Those lots are designed with a 20 foot rear to allow for patio and small garden area and then it goes right into forever wild. That was basically the objective of the setback alterations and requests under 278. To envision it easier take the same number of lots that the townhomes are in and convert those to colonials and that cul-de-sac would extend basically along where that sewer route is at almost to the far end of the parcel.

Mr. Seiter – You would have fewer units in the same footprint.

Mr. Morrell – Same number of units but it would be a stretched out community.

Mr. Seiter – You are stretching out the community for the longer frontage but if you work with the frontage you have you would have fewer units and that would not work for you.

Mr. Morrell – I am sorry I do not understand the question.

Mr. Seiter – You are saying you have a given frontage you would stretch out the community. With the same frontage you have fewer units instead of 20 it might work and meet the lot sizes.

Mr. Morrell – If I basically took the lot dimensions what we would do is take the townhomes and then I would have ended up having to stretch those out. I wouldn't want to make large gaps of maintenance areas in between the townhomes. All told from a planning perspective just to meet that criteria it would be the same number of units that would be there from a planning perspective but what we would do is then have maintained and manicured lawn in between a townhome on a large lot. That requirement I don't think would serve the residents or planning.

Ms. Zollo – I had a couple of other questions. One is for the larger home on High Street, the existing home. It looks like there are two driveways there. Is that accurate? A big long driveway and then there is a shorter one.

Mr. Morrell – There is the main driveway to the existing home and the second one is serving as the access point for storm water management. There is a barn on the property so we have carved that out as a large parcel and now that barn can be served as well as the storm water management facility under town requirements to get access vehicles there.

Ms. Zollo – So the barn is still a part of that single-family lot? So there is two driveways then, one for the barn and one for the home.

Mr. Morrell – Correct. We can eliminate that but the Town DPW requires access to the storm water management. Currently there is no driveway to the barn. If you like we can separate that and just have an immediate access point right behind.

Ms. Zollo – I just wanted to make sure I was seeing that correctly. Our Fire Marshall said that they would still like to see the required setbacks, 15 feet on the townhouses I believe. Did you respond to that?

Mr. Morrell – I believe we responded to the Fire Marshall on all the setback requirements.

Ms. Zollo – Is it going to be 10 feet or 15 feet?

Mr. Morrell – Typically we would do 10 feet. I think I responded on that with regards to 100 foot frontages and a 10 side setback and what that allows is for the movement of the home if a customer is doing side load garage or front load garage. It provides that flexibility of the movement of the home.

Mr. Logan – Heather asked about that second driveway- the long one to the barn. You said that is access to that storm water management facility. Is that a paved or gravel?

Mr. Morrell – It is gravel and stone.

Mr. Logan – If you were going to do a walkway along the backside of #114/115/116 and #117 could you make that part of the walkway and access and combine the two? Rather than having a separate walkway thru #113/#114. I am a little hung up on this only because I hate dividing properties with public walkways if you do not have too.

Mr. Morrell – If we were to basically divert that and utilize both the DPW access points and then extend the trail in between both the pond and the residences. That is what I was commenting to you earlier on. Happy to do that. What I can do is verify that with Brian in the fields if he thinks that is a better access point. We can leverage with the DPW already has to construct.

Mr. Logan – I certainly would want Brian’s input on that. To me tying that into the sidewalk then putting the sidewalk on the south side of the road and make a T intersection there where your access driveway would be. If you look north of the northerly on the back.

Mr. Morrell shows on the rendering with a pointer the area speaking of.

Mr. Emelson – Would the applicant need to put an access point to the other pond?

Mr. Morrell – We are more than fine with reconnecting from this point to this point (refers to rendering) instead. This allows the community to access the back trails. We have the farm road in place already and there is a culvert in place on that interim stream so we are utilizing that as well. In that way we do not have to create a second stream crossing.

Mr. Logan – So putting it at the upper edge of the storm water management facility, one of the comments heard was a concern about the slope adjacent to the storm water management facility being slippery. If it’s not flat in that area we would want to make sure that is not something you would fall right into storm water management grading plan. Keeping that flat on that side where the trail walkway is. Goes with all the engineering you are doing on site. I would like to see that rather than going between #113 and #114.

Mr. Morrell - We will make that amendment.

Mr. Logan –Heather and Rich hit a few of the things I had so I am good.

Mr. Gallina – Just to reinforce on the traffic. Aside from just a simple trip generation of approximately 40 when you combine the two because I think segregating the trip counts into the two different road does not really give you the full impact. It is really 40 trip generations from the development. I would also like to see level of service in wait times at the Lane and High

Street intersection. Along with what we would anticipate for wait times exiting off the development given the peak times it really is a highly traffic area. I think that would add some additional insight to the traffic impact. You would extend single-family homes in what is proposed for Phase 2 would extend it down to the path. I certainly understand that that is what it would be but is that even feasible or buildable to extend down thru?

Mr. Morrell – Originally this entire area was farmed and was all corn all the way out to this area. That area is basically sitting all on a flat section. What we did was when we walked that with the Conservation Board you will see the comments from the CB with regards to it. If you also remember our original concept proposals had that cul-de-sac much further. All of this is sitting on a basically a plateau that is very developable. We thought from an impact perspective we would specifically put the townhomes in this section since it was wooded. It would require the least amount of environmental disturbance by being able to pull that road back quite significantly and put the colonials in the area that was already fully cleared and lawned.

Mr. Gallina – That is important because again I am sure there is a lot of folks in the audience that didn't see some of the historical evolution of this to pull it forward.

Chairman Santoro – That is all we have for tonight. The public hearing is still open and you can make comment next time.

WOODS AT VALENTOWN

High Point Drive

Appl No 35-SP-18

Owner – Woods at Valentown, LLC

Acreage – 56.87

Zoned – Planned Development District

Applicant is requesting approval to construct 288 for rent apartments within 12 buildings on 56.87 acres. The project will consist of underground parking and the buildings will be 3 stories for a maximum height of 48 ft.

Mr. Cretkos from BME Associates and Fred Rainaldi, applicant addressed the Board.

Mr. Cretkos – I am going to be very brief I know we have a few more items on the agenda tonight. I just wanted to cover a couple of things that we have done since the last Planning Board Meeting a couple of weeks ago. Main thing being we have provided updated plans. Those plans addressed all the comments that we have received to date. There are a couple of minor things that we still need to address on them such as the final point plot for the Code Enforcement Officer to review. The one comment that did come up at the Planning Board meeting last time was in regards to some additional screening for the neighbor up in section 4.

What we did on the plans that were submitted we have added another nine White Fir Evergreen trees. It is going to be very similar to the screen we proposed these two buildings up in this area. On this exhibit we have also added some headlights with basically a typical throw pattern from a vehicle. Basically showing how this screen would intercept any headlights from cars that were actually making that turning movement into those parking spaces as we discussed. We believe that that will be adequately sufficient to screen any headlights from the neighboring property in addition to obviously the massing of the wooded area that will remain with the property.

With that we have also been in contact with the Town Engineer and the Town regarding the SEQR process. We have had a chance to review the draft documents that you have in front of you this evening so we will be here to answer any questions or supplement anything you need or any other public comments.

Mr. Pettee- For the Planning Boards consideration since we went thru Part 2 of the EAF at the last meeting and I think we redistributed Part 2. This is so you can reference that as we go thru Part #3 narrative.

Part 3 of the Environmental Assessment Form provides the reason and support of the determination of significance. Whether or not there is a significant adverse environmental impact. The Lead agency, in this case, the Planning Board must complete Part 3 for every question in Part 2 where the impact has been identified as potential moderate or large or there is a need to explain why a particular element of the proposed action will not or may result in a significant adverse environmental impact. On this draft I have prepared for you to consider I am definitely looking for some feedback in terms of how we have indicated our responses for those items we had checked off in Part 2 that were moderate to large. Those included impacts on land, impact on energy and consistency with community plan. If you would like I can read thru this together or if everyone has an opportunity to read thru prior to the meeting.

Chairman Santoro – Can you do a short version?

Mr. Pettee – I can para phrase some of it for you. The impacts on land. Proposed action may involve construction on slopes of 15% or greater. This is true. Part 1 of the EAF indicates that 44% of the site has slopes of 15% or greater. Although the project site as a whole contains slopes of 15% or more the development propose to avoid much of these steep slope areas. The locations of the proposed apartment buildings are similar and consistent with the previously approved townhomes from 2005 and 2006. That proposal avoided many of the steep slope areas. In addition when the Town last year in 2018 rezoned the property there were a total of 14 apartment buildings and since then the applicant site plan application has reduced the number of total apartment buildings which further reduces impacts to these steep slope areas. Instead of 14 building there are only 12 and that reduces the amount of disturbance to steep slope areas. Even thou they may be disturbing some steep slope areas and creating some steep slope areas they have some erosion control measures incorporated in their site plan documents. They have erosion mat that is rated for slopes of 2 horizontal to 1 vertical or less. They are going to be obtaining coverage under NYS DEC SPDES general permit for storm water discharges for construction activity. That is the impact to the steep slopes.

Under same category of impacts on land the proposed action may involve construction that continues for more than one year or in multiple phases. This was also identified as somewhat of a concern by the Planning Board at the last meeting. The applicant anticipates the project which is four sections as depicted on the site plan would be constructed within two to three phases. The earthwork activities for the overall development would occur simultaneously. Phase 1 developer anticipates starting the project after all approvals are issued which is anticipated in 2019. Section 1 of the development is anticipated to be completed in the fourth quarter of 2020. I am not sure if that is exactly correct but there about. Entire project is anticipated to be completed by May of 2024.

Adjacent land uses that might be impacted by the duration of the construction activity include agriculture to the south and to the east. Rural residential to the east, forest and open space to the north and rural suburban residential and commercial to the west. Since the project would be constructed in Phases impacts associated with construction in the immediate vicinity of these land use would not be for a five year duration. It would probably experience smaller increments of the construction activity since the proposed layout goes around the horseshoe the hairpin.

Mr. Logan – Wes, you said the earthwork would be done simultaneously. What that means is he is clearing everything at once and stabilizing it all then he can go building to building on the regraded lots that were done in the first Phase or am I wrong?

Mr. Cretekos – Generally what we are going to be doing is constructing the project sequentially but to get a balance of earth on the site we do need to disturb more than one section at a time. The project initially to start, we are going to clear section two and we may log section four at this time but we would leave the stumps so we don't have to do ground disturbance, we'll probably do that in the clearing times because of the Northern Long-Eared Bat. Section two is generally off cut material. The cuts from section two are going to go and make all the fills in section one as well as a portion of section three which is already cleared about 95% of the ways. We had to do a little bit of clearing. Some of the material from the High Points went over there when we did the initial grading. At that point we would be able to either temporarily or permanently stabilize section two while section one is under construction and then we would go and pull the stumps from section four. The rest of the material from section four which is primarily cuts would go back into section three. We would be able to work around the shoehorn and then all the (*inaudible*) will be in place as well as temporary stabilizations per the general permit which if we are over five acres of disturbance, I think we are required to stabilize within one week. The site will be much protected with erosion practices really limiting that.

Mr. Logan – Where does building 300 come in with all of the earthwork on your site?

Mr. Cretekos – Building 300 basically has been graded out already. It is relatively close. The one thing that we do need to account for is some of the basement excavation. That is really the last piece of earth we need to account for. There are some other projects that are going on in the vicinity that we will need some fill for. We will be able to use it on some other sites.

Mr. Rainaldi – Working in reverse the commercial timing sensitivity is often times a little more sensitive than the residential. We would use the fact that we are controlling both sequences accordingly. With regards to the initial topic, we do have a really well defined phasing map that we use for internal programming for construction that I will submit to the town to share. It shows exactly what he was describing with far greater detail. Its color coded cross hatched just like he described.

Mr. Logan – The point of my questioning is what is the length of time for major earth work operations from start to finish of your whole project? Are you still doing major earth work when you are building the last set of townhomes on the site?

Mr. Rainaldi – The major earth work would essentially be completed 18 to 20 months within from the start date.

Mr. Logan – This questioning is for over a year, right?

Mr. Rainaldi – In my most conservative measurement it would be just over a year from start time. I am never going to give you a date that is shorter. So conservatively 18 months. For instance this year I lost 2 full construction months from the last week of September until the week before Thanksgiving because of rain. We build in a buffer for the unknown.

Mr. Pettee – In addition to the moderate to large impact on construction that continues for more than a year. Although an increase in noise levels might be expected with construction of each section or phase the impact would be temporary. Existing vegetation is being preserved that will help buffer impacts to neighboring property owners from the construction activity. I have mentioned a little bit here on construction traffic. So High Point Drive itself is a local road that does not collect traffic from neighboring roads or neighborhoods so very minor traffic obstructions are expected on High Point Drive itself. That is the hair pin road that you see on the site plan. Some impact to traffic volume may increase on Valentown Road and High Street due to construction activity as workers access the site. Construction related vehicle activity will be temporary. So based on the above a moderate impact could be expected to impacts on land however there will not be a significant adverse environmental impact with respect to impact on land.

Next question we elaborated on was #13. The impact on transportation. Even though we did not mark off that there would be a moderate to large impact it is still important I feel for the Planning Board to explain why there would be no or small impact with regard to traffic. Back in 2017 the applicant provided a traffic technical memorandum, then the town's traffic consultant requested a Traffic Impact Study which was submitted in December 2017. That study was completed by Bergman Associates and the findings of that study indicated that the approved 2005 final environmental impact statement contained required infrastructure improvements at the following locations which was included Route 96 at the Cobblestone Court and Eastview Mall intersection and improvements at the Route 96 and High Street Eastview Mall intersection and

improvements at the High Street Valentown Road intersection. All of those projects have been completed and as a result the 2005 SEQR statement states that the town's traffic consultant has concluded that the additional traffic volumes from the project will not significantly alter the character and function of the roadways as long as the mitigation proposed by the applicant is completed. All of those improvements were completed and last year in January 2008, Clark Patterson Lee, the Town's Traffic Consultant agreed with the findings of the 2017 traffic impact study, that the roadway infrastructure improvements provided as a result of the 2005 FEIS are adequate to meet the needs of the proposed High Point PDD modification. December 21st 2018 letter was issued by Clark Patterson Lee and they reiterated again: we previously agreed with the findings of the TIS that the roadway infrastructure improvements provided as a result of 2005 FEIS are adequate to meet the needs proposed in the High Point PDD modification. Based on the above no or small impact could be expected with the regard to traffic. It would not be a significant adverse environmental impact with respect to impact on transportation.

Impact on energy was #14. A proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. Even though the action would involve an increase in the use of energy the impact would be small and not significant since the existing utilities in the area have sufficient capacity to serve the proposed development. The action does not require new or upgrades to an existing substation or the creation or extension of an energy transmission or supply system. No offsite utility work or public utility construction is necessary for the action.

Mr. Logan – Is that really a large impact? Moderate to large. We are basically saying yes its more than 100,000 square feet but in the end there is really no significant impact the way it is described here.

Mr. Pettee – I think it would be fine to also say no to small impact.

Mr. Logan – I would say small. I know we put large because it is a lot of square footage but in the end the way the explanation is, it doesn't really seem like it is moderate to large.

Chairman Santoro – From the state materials correct?

Mr. Pettee – We referenced when we were reviewing at the last meeting, we looked at the DEC guidance for Part 2 and I think at that time, it sounded like a moderate impact. Either way we have written it off as it wouldn't be significant. It would not require an EIS.

The last one is consistency with community plans #17, the proposed action is not consistent with the adopted land use plans. Sub paragraph E the proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. We did mark as a moderate to large impact may occur with regard to the town's sanitary sewer conveyance system only. Sewer treatment plant is fine it is the conveyance system that has fairly limited capacity at this point. Especially Pump Station 18 where this project would be discharging its waste water too. Pump Station 18 is a pump station that will be replaced in the next year or two as a result of the town's 2018 sanitary sewer

conveyance system capital project. It is a 9 million dollar project that includes improvements to several pump stations, replacement of several pump stations as well as a brand new back bone to the town sanitary sewer system. Without this project going forward the full build out of Woods at Valentown could not be accommodated in the waste water treatment conveyance system. As a result of the towns project and anticipated to be online and operational in August of 2020, bids have been received by the town on this 9 million dollar capital improvement project. Bids have been received and the town engineer along with the town is reviewing the bids and expect to go to construction on this sanitary sewer back bone project this spring. Basically what this says is the applicant anticipates bringing there first building online in the fourth quarter of 2020. That would go pretty well schedule wise with the town's sanitary sewer project projection is. After writing this draft, I've had the opportunity to think a little bit more about what I have added and what I have put in this document and I think what we can do is if for some reason they are ready to come online and the town's system isn't operational yet we could do an evaluation at that point. We could say we can accommodate this one building that would be fine.

Mr. Logan – Do we know how much they could accept right now? How many buildings?

Mr. Pettee – It varies depending on the season. The Christmas season is very troubling for Pump Station 18. We see a lot of higher flows during the holiday season. It is a hit and miss evaluation that needs to be done on a case by case basis.

Mr. Gallina – So maybe as opposed to specifically referencing the completion of a project a C of O is not issued until such time that evaluation of the existing capacity can accommodate.

Mr. Logan –An evaluation may show that it can bring in a building or two.

Mr. Pettee – Something else I had the opportunity to think of is the applicant did receive their no effect letter from the States Office of Parks Rec and Historical Preservation, SHPO on archeological concerns and I think it would be wise for the Planning Board for me to add that into this narrative. I think it is important to reflect.

Mr. Logan –Question #10?

Mr. Pettee – Yes question #10 on Part 2. Any questions or comments from Board members? What I would like to do for the Planning Board then is to wrap this up into a nice package for consideration of action on SEQR at the next meeting. That would include Part 2 and Part 3 of the EAF and a draft neg dec resolution for your consideration.

Mr. Cretekos – Would just like to ask a quick question. Obviously with being able to make a motion probably at the next meeting on the SEQR are there any other items that the Board would like us to provide information on to be able to continue with the site plan approval as well? Just looking forward. If something comes up and you would like to see something further please

reach out and we will be happy to provide that as soon as possible. Keep the process moving forward. Thank you.

WALMART REMODEL

2-SP-2019

441 Commerce Drive

Zoned - Commercial

Owner – Main Street Stop LLC

Applicant would like to re-paint the exterior of the store to a neutral color scheme with orange & blue accent colors and to add a "Pickup" sign to identify a new service. Also requested is the expansion/addition to the bale & recycling enclosure.

Mr. Ed Wilson Representing Walmart addressed the Board.

Good Evening, my name is Ed Wilson. I'm here following up on a couple of things. I was here two weeks ago. The recommendation when I was here was for the paint colors on the building. Instead of using the blue and the orange if we could use a darker gray and brought that back to the owner and they have agreed to do that. This is presenting that. As you can see on the rendering.

The other thing is that I did present last time about the new signage as part of the remodel. Specifically talking about the "Pick Up" sign that they are adding to go with their online grocery pick up initiative. It was brought to our attention that we didn't actually get a decision on that. Wanted to bring that up again just to make sure if we are clear to do that. That is all I have.

Chairman Santoro – Public hearing is still open. Anyone have a comment or question on this project? Speaking for myself, I do not see anything wrong with the "Pick Up" sign.

Mr. Gallina – The color changes are better.

Mrs. Zollo –I would agree the color change has improved. Do we know if we have any issues with the number of signs and square footage of the signs? Do they still meet the requirements?

Chairman Santoro – They already have a waiver from the Zoning Board of Appeals. For all of the rest of the signs.

Mr. Wilson – Currently there are two signs that show the company logo on them. One on the front and one on the side.

Mrs. Zollo – That was an after the fact approval I believe. This "Pick Up" sign, are they going to the Zoning Board of Appeals for that one? Are you?

Mr. Wilson – We were directed to bring it here. The Zoning Appeals did not want to look at it.

Chairman Santoro – I think we have the authority to deal with that sign. Zoning Board of Appeals does not want to take it on.

Mrs. Zollo – Do we have an opinion from Code Enforcement or anyone saying that they are still needing all their square footage requirements or is this in excess of that?

Mr. Wilson – We were directed to bring it here. That there were no other reviews that would need to happen. If we have missed something that needs to happen we do apologize and we can make that right.

Chairman Santoro – What we will do is get an opinion from Al Benedict, Code Enforcement Officer, and have this on our next agenda and if he says there is no problem we will have a resolution for you.

Mr. Wilson – Do I need to be here for that?

Chairman Santoro – Only if you want too.

Mr. Wilson – My understanding is that we are good on the colors and we still need to get a ruling on the “Pick Up” sign. Thank you

NEW CINGULAR WIRELESS (AT&T)

002-SU-2019

701 High Street

Zoned - Residential 1

Owner – New Cingular Wireless

Applicant is seeking to upgrade the cell tower telecommunication equipment including replacing and adding antennas, mounts, batteries, etc.

Theresa Reed with Centerline Communications representing AT&T Mobility addressed the Board.

Ms. Reed – Good Evening, AT&T is proposing some modifications on the existing tower owned by Ontario County located at 701 High Street Victor. It is an existing tower, 140 foot self-support tower with AT&T having equipment at a centerline of 90 feet. Purposing to replace three existing antennas with three new antennas, replace three existing remote radio units with three new remote radio units, install six new remote radio units, replacing three TMA and installing a squid with some associated lines. Height of the tower will not increase and there is no alterations to the size of the platform, therefore no ground disturbance.

Chairman Santoro asked the public for comment and there were none.

Motion to close the public hearing by Mr. Gallina, seconded by Mr. Logan.

Mr. Logan – I’m sorry, the only thing I did not see on the set of plans was where the tower elevation was located. *Mr. Logan verified on plans where it was located.*

RESOLUTION

On motion made by Joe Logan, seconded by Heather Zollo.

WHEREAS, the Planning Board made the following findings of fact:

1. A Special Use application was received on January 29, 2019 by the Secretary of the Planning Board entitled New Cingular Wireless.
2. Applicant is requesting to replace 3 existing antennas with 3 new antennas, replace 3 remote radio units with 3 new remote radio units, add 6 remote radio units, replace 6 existing TMAs with 3 new TMAs, and add 1 distribution box with associated wiring.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail.
4. The Planning Board held a public hearing on March 12, 2019 at which time the public was invited to speak on their application.
5. The application was deemed to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and classification as such concludes SEQR.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On February 13, 2019, Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
7. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
8. The proposed use conforms to all applicable regulations in the district which it is located.
9. Comments from Al Benedict, Code Enforcement Officer, dated February 1, 2019 were received. An annual report is required to be provided, also that the applicant shall confirm that any old batteries being replaced are removed from the site.

10. LaBella Associates reviewed the application on March 7th, 2019 and had comments.

NOW, THEREFORE BE IT RESOLVED that the application of New Cingular Wireless PCS, LLC (AT&T), 5841 Bridge Street, East Syracuse, New York, Site Plan entitled AT&T Upstate New York, located at 701 High Street, drawn by C & S Engineers, Inc., dated October 2018, last revised January 22, 2019, received by the Planning Board Secretary January 29, 2019, Planning Board Site Plan Application No. 2-SU-19 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That a building permit be obtained before construction begins.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board’s approval letter.

Mr. Pettee – Fairly straightforward, we did comment that the project appeared to be a type two action under SEQR and if they have the opportunity to add the signature block to their drawings it would be beneficial.

Ernie Santoro	Aye
Joe Logan	Aye
Heather Zollo	Aye
Al Gallina	Aye
Rich Seiter	Aye

Approved 5 Ayes, 0 Nays

HITCHCOCK- 3 CAR GARAGE

993 Oak Ridge Drive
Owner – George Hitchcock

007-SP-2019
Zoned – Residential 2

Applicant is requesting approval to build a free standing 1,120 square foot three car garage

Mr. Hitchcock of 993 Oak Ridge Drive – I am here to construct a garage for my three classic cars I have. I have tried to answer all the questions from the Code Enforcement Officer and also LaBella as far as my application that I submitted. I did not know if you needed any other questions answered.

Chairman Santoro – It looks like you had already started on this.

Mr. Hitchcock – I was told by my contractor to clear the land and that I didn't need a permit to do that.

Chairman Santoro – You submitted these pictures which show the location.

Chairman Santoro asked for public comments and there were none.

Motion to close the public hearing Mr. Logan, seconded by Mr. Gallina

Chairman Santoro asked for board comments

Ms. Zollo – You answered all the questions that the Code Enforcement had?

Mr. Hitchcock – Yes I responded to all of his questions and he was satisfied with those answers. I have not heard back from LaBella on the questions I answered for them.

Ms. Zollo – Thank you.

Mr. Pettee – Could you point out on your parcel where the septic system is?

Mr. Hitchcock use pointer to show on rendering

Mr. Pettee – That is the opposite side of the house.

Mr. Hitchcock showed where the swale and depression between houses were.

Mr. Pettee – The swale is on the north side of your house and it would be north side of the proposed driveway extension?

Mr. Hitchcock – Yes. There is a fence right along the property line. The driveway is a raised driveway thru here and it's lowered on the one side.

Mr. Pettee- Do you have roof leaders coming off the roof of the proposed garage?

Mr. Hitchcock – I do not have it on the garage but they did put drain tubes that run into that swale. I could use that if I put gutters on the garage. I hadn't planned on that but he put hose in case I wanted too. He being the contractor, Victor Excavating.

Mr. Pettee – The application material submitted to us, I think we have a good general idea of what is going on. We were a little concerned with proposed drainage because the applicant did

mention something about swales or berms. We don't have a grading plan but we have a general idea here of where that swale is now.

Mr. Hitchcock – I tried to get as many pictures of that swale as I could.

RESOLUTION

On motion made by Joe Logan, seconded by Rich Seiter

WHEREAS, the Planning Board made the following findings of fact:

1. A site plan application was received on February 5, 2019 by the Secretary of the Planning Board for 993 Oak Ridge Drive.
2. It is the intent of the applicant to construct a 1,120 square foot free standing garage for personal storage. The garage also exceeds the 15' average height.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within 500' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on March 12, 2019 at which time the public was permitted to speak on this application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The Code Enforcement Officer reviewed the application on February 12, 2019 and had comments relative to the Route 96/251 Corridor overlay relative to the building guidelines and drainage.
7. In a letter dated February 27, 2019, Labella Associates commented on grading, downspouts and lighting.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 12, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, George Hitchcock Garage, will not have a significant impact on the environment and that a negative declaration be prepared; and, be it

FURTHER RESOLVED that the application of George Hitchcock, 993 Oak Ridge Drive, Victor,

New York, entitled George Hitchcock Garage, received by the Planning Board February 5, 2019, Planning Board Application No. 7-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 5.
2. That a building permit be obtained before the start of construction.
3. That comments in a letter from LaBella Associates dated February 27, 2019 be addressed.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board’s approval letter.

Ernie Santoro	Aye
Joe Logan	Aye
Heather Zollo	Aye
Al Gallina	Aye
Rich Seiter	Aye

Approved 5 Ayes, 0 Nays

SCOUT RESERVE – LOT #1

8-SP-2019

6773 Aldridge Road

Zoned – Residential 2 w/C overlay

Owner – DeHollander Design, Inc

Applicant is requesting to add a separate driveway to Aldridge Road for Lot #1

Mr. DeHollander – At the request of the people interested in building on Lot #1 they have asked me to inquire about separating their driveway from the shared driveway. We brought that to staff and they suggested we prepare a site plan modification, which we did, and submitted. We believe you have a plan that shows how we propose to separate the two driveways.

There were three comments that were applicable to the culvert or this modification. Specifically the culvert change from a single barrel to how we would accomplish to getting both driveways across the intermittent stream.

A second comment was relative to driveway spacing. There was a request for a separate SEQR form for this site plan modification. Relative to the culvert we have shown the driveway for Lot #1, that is 10 feet of the property line that is consistent with setback requirement. It could be moved closer and that would have an effect on the culvert length by shortening that culvert by ten more feet. Also relative to the culvert, originally we had with the combined driveway scenario a 65 foot length culvert this proposal here is 85 feet. It is about 20 feet longer to accommodate both. We looked at a scenario where perhaps add a catch basin at the property

line that could be beneficial to some drainage that is going on in that area. Perhaps, installing two separate culverts if some more specific line of demarcation was necessary between the two sections.

Relative to the driveways I have put together a response to Labella's concerns there. Specifically outlining that speed alone is not a single determining factor relative to 400 foot separation between driveways. There is also mitigating facts of how much traffic is on the road, site distance and the adjacent use. We have responded to that with some justifications for a closer spacing, the driveways would be about 35 feet apart. We can get into more detail if it necessary. As I mentioned, we submitted a separate SEQR form for this site plan modification.

Chairman Santoro asked for public comment and from the board.

Mr. Logan – You have showing three houses beyond the initial two on that access drive. That is five on a private drive which is more than we would normally allow. The code says three max. I am just curious, I don't recall those three houses being proposed before. I thought they were all right along Aldridge Road.

Mr. DeHollander – We will be back in two weeks to talk about Phase 2.1 and how we want to develop the back. I will leave it at that for right now. We aren't expecting anything tonight relative to that.

Mr. Logan – We are looking at that one lot tonight, Lot 1.

Mr. DeHollander – It is a modification. If you recall, Lot 1 was combined with the driveway. We would like the board to consider, at the request of the buyer, they have frontage and it's not encumbered by the conservation easement and they would like their own driveway. All these issues relative to the number of lots that would be on this shared driveway we can talk about next meeting.

Mr. Logan – As far as the single driveway I do not have a problem with what you are proposing.

Ms. Zollo – I am good for now.

Chairman Santoro – We have a resolution for you.

RESOLUTION

On motion made by Rich Seiter, seconded by Al Gallina.

WHEREAS, the Planning Board made the following findings of fact:

1. A site plan application was received by the Secretary of the Planning Board for a Site Plan entitled Scout Reserve – Lot #1 Site Plan modification.

2. It is the intent of the applicant to create a separate driveway for Lot #1 by separating it from the original shared driveway with Lot #2.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on March 12, 2019 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. Labella Associates reviewed the site plan application and provided comments in a letter dated March 5, 2019.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 12, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Scout Reserve Lot #1 Driveway Modification, will not have a significant impact on the environment and that a negative declaration be prepared; and, be it further

RESOLVED that the application of Scott DeHollander, 7346 Dryer Road, Victor, New York, Site Plan entitled Scout Reserve – Lot #1 Driveway Modification, drawn by DeHollander Design, dated February 2019, received by the Planning Board March 2019, Planning Board Application No. 8-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions to be addressed prior to the chairman’s signature on the site plan:

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated March 5, 2019 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer, dated March 7, 2019 be addressed.

Ongoing conditions:

- 1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board’s approval letter.

Ernie Santoro	Aye
Joe Logan	Aye
Heather Zollo	Aye
Al Gallina	Aye
Rich Seiter	Aye

Approved 5 Ayes, 0 Nays

REAPPROVAL

WILLOW RISE

Willow Rise
 Morgan McMahon Road LLC
 Acres - 6.4
 SBL# 28.36-2-1.000

7-SP-17 Owner –
 Zoned – Multiple Dwelling

Applicant is requesting re-approval for 45 residential ranch style apartments consisting of 9 bldgs on approx 6.4 acres. The property is accessed by Banjo Run off of Erica Trail within Ballerina Subdivision on McMahon Road.

John Gauthier on behalf of DSB Engineers – We were initially approved, as I understand it, November 2017. The intent is to build what was approved and we are going thru satisfying all the remaining conditions prior to getting signatures. There is no intent to do anything any different then what was approved at that time.

Chairman Santoro asked for comments.

Mr. Logan – Did they have any extensions in the meantime for this? Normally you have 90 day extensions.

Mr. Gauthier – I believe this is the first re-approval that we are requesting.

Mr. Logan – It probably expired? I am trying to understand why we have to re-approve it.

Mr. Pettee- I believe what has happened is that the approval expired. Typically it is 180 days they have to file or notify the planning office that they would like to extend their approval. I think those periods expired so basically they are resubmitting there plans.

Mr. Logan – Normally we get a request for extensions.

Mr. Gauthier – We are not requesting an extension. We are asking for approval for the same plan.

Mr. Logan – Does this start the clock over? If this goes another 180 days then do they have request an extension after that? I assume you are ready to start building?

Mr. Gauthier – The intention is to move ahead, yes.

Mr. Pettee – I am in section 211-131 of the Victor Zoning Code, Paragraph F. Site plan approval expiration, sub paragraph one, conditions where site plan approval is granted with conditions that shall expire 180 days from the date of the resolution granting conditional approval unless all conditions therein are satisfied. This period may be extended by the Planning Board up to two 90 day periods at the discretion of the Planning Board.

Mr. Logan – So the conditions then were not satisfied? Once it is approved and the conditions have been satisfied they can build straight away.

Mr. Pettee – I think there were a couple of outstanding conditions that remained. The project stalled.

Mr. Logan – So the conditions have been met?

Mr. Pettee – There are probably some conditions that we need to check on.

Mr. Gauthier – My understanding is that some of the documentation, the intent of all the conditions have been met but they haven't been documented and executed.

Mr. Logan – So this will still be a conditional approval it sounds like.

Chairman Santoro – There are some standard conditions.

Ms. Zollo – I am looking at the conditions.

Chairman Santoro – It reads the same as the one from 2017.

RESOLUTION

On motion made by Joe Logan, seconded by Al Gallina.

WHEREAS, the Planning Board made the following findings of fact:

1. Site Plan approval was granted by the Planning Board on November 28, 2017 for Willow Rise Apartments for the development of a 6.4 acre parcel into 45 residential for rent ranch style apartments consisting of 9 buildings to be located at Tax Map Number 28.36-2-1.000, which is within the Town's Multiple Dwelling Zoning District.
2. In a letter dated February 20, 2019, Walt Baker, D.S.B. Engineers & Architects indicated that the owner has had issues with contractors bidding the work and therefore the project had been delayed. A new contractor has been secured.
3. Walt Baker is requesting re-approval of the project.

NOW, THEREFORE BE IT RESOLVED that the request of Walt Baker, DSB Engineers, for re-approval of the Willow Rise Apartments August 2017 drawn by DSB Engineers and Architects, PC, Project No. 17-0537 Planning Board Application No. 7-SP-17, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions to be addressed prior to the chairman's signature on the site plan:

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That comments from Code Enforcement Officer dated November 27, 2017 be addressed.
3. That comments from LaBella Associates dated September 26, 2017 be addressed.
4. That comments from the Fire Marshal dated April 25, 2017 be addressed.
5. That comments from Bruce Zaretsky, Landscape Consultant be addressed.
6. That comments from Town of Farmington Sewer District received October 13, 2017 be addressed.
7. That the applicant obtain authorization from the property owner of Lot 71 within the Ballerina Court subdivision, to the satisfaction of the Town Attorney and Town Engineer, so as to allow for the necessary improvement to the outlet structure.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
3. The building design plan and architecture shall be consistent with the details as shown and described on drawing drawn by James Fahy Design Assoc. received March 21, 2017 by the Planning and Building Dept.
4. The building shall comply to Town Code Section 83-4F(2)(a) or a sprinkler waiver shall be granted from the Zoning Board of Appeals prior to issuance of a building permit.
5. That the rock wall be clearly marked before construction begins.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board's approval letter.

Ernie Santoro	Aye
Joe Logan	Aye
Heather Zollo	Nay
Al Gallina	Aye
Rich Seiter	Abstained

Approved 3 Ayes, 1 Nays, 1 Abstention

There were no other discussions.

Motion was made by Al Gallina seconded by Heather Zollo RESOLVED the meeting was adjourned at 9:04 PM

Lisa Boughton, Secretary

