

A regular meeting of the Town of Victor Planning Board was held on Tuesday, March 26, 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; Heather Zollo, Al Gallina, Rich Seiter

ABSENT: Joe Logan, Vice Chairman

OTHERS: Wes Pettee, Town Engineer, Dave Condon, Town Board Liaison; Kim Kinsella, Project Coordinator; Lisa Boughton, Secretary; Lee Wager, David Nankin, Sue Davie, Fran Murphy, Marie Barbi, William Whitbeck, Monica Murphy, Ed Wilson, Matt Matteson, Jeff Morrell, Kathy Boughton, Lane Boughton, Gregory Richards, Jean Laitenberger, Doug Sheehan, Matthew Lingan, Lisa Brotsch, Wayne Brotsch, Ruth Nellis, David Hastings, David Schond, Gloria Schond Scott DeHollander

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.

### **CORRESPONDENCE**

- David Buchovecky regarding Piper Meadows

### **BOARDS & COMMITTEE UPDATES**

Councilman Condon had no comments from the Town Board

Planning Board reported by Kim Kinsella

- April 9<sup>th</sup> meeting
  - SEQR workshop at 6:00 for the SEQR Regs from DEC
  - Public Hearing
    - Tahven Associates at 7398 & 7400 SR 96 requesting to remove 11 parking spaces along SR 96 and expand the 42 existing spaces to 67 spaces
  - Sketch Plan
    - Blumont Rise Subdivision on CR 41 requesting 35 single family home lots
    - Woods at Valentown at High Point Dr requesting to construct 288 for rent apartments within 12 bldgs.

### **APPROVAL OF MINUTES**

On motion of Al Gallina, seconded by Rich Seiter

RESOLVED that the minutes of February 26, 2019 be approved.



Ms. Jennifer Michniewicz from Clark Patterson Lee addressed the Board.

Ms. Michniewicz – I took a look at the meeting minutes from 2 weeks ago as well as the public comments that have been received to date. I just want to run down a few things that I've heard from that. First off I gave the Board a description of level of service which we talk about level of service quite often and it's a measure of traffic impact at intersections as well as along individual roadways. In this instance, I just want to talk about at intersections. So level of service is a measure of how many seconds of delay one might feel at a particular location and its just based on seconds that you have to wait. There are unsignalized as well as signalized. Obviously if you're at a signal and you're caught at a red light, you're going to have more delay than if you're just at a stop sign.

When you're in school and you hear about A, B & C's you just think that an A is the best. For level of service, actually C's and D's are the most ideal. For example if you're on 490 and you're the only car on the road, you're going to be at a level of service A but that's not ideal because basically there is more capacity than what you need, it's over built. So you try to get into that C and D range, not to say that A's and B's are bad, it just means that you might have more there than what you actually need. An E or F, you're starting to get into a condition that's grid lock. If you're on 490 and you want to be driving 55 and you can't, you're driving 45 or 35, that's when you get into the D's and E's. I just wanted to go over that really quickly in case I start talking about level of service, everybody will be familiar with what I'm talking about.

One of the questions from the previous meeting, Heather wanted to know about the peak hour and what exactly that meant. The applicant did not do a traffic study so what we did in absence of that was try to determine how much traffic would be generated by this project. There's a manual that has all sorts of data from decade's worth of other similar studies and they take a look at the peak hour of whatever roadway this development is being built on and they gather data during that peak hour to develop what they anticipated volume could be. So where it says peak hour between 7 and 9 in the morning, that data that's in this manual could vary in that time frame in any given area but they take the worst case scenario for this study and this study and they come up with an average. So that's where that peak hour comes from. Again, they did not do a particular study for this location. We took the information from the manuals and we developed how many trips could be generated by the townhomes and the single family homes. So that's how we got that.

There was a question about how to establish a school zone. You can put in a school zone but there needs to be a crosswalk with a crossing guard. You've got to get support from the owner of the particular roadway and in this case it would be High St or Lane so that's the town, so you're good there as well as the school district. Then similar to all of the other roadways in the town, you have to apply to NYS for approval for the speed limit change. Generally they will take the average speed, the 85<sup>th</sup> percentile speed. So of all the speeds that are there, it's the 85<sup>th</sup> percentile and you're allowed to go about 10 mph below that. So if the speed limit is 45 and you're 85<sup>th</sup> percentile is 55, they would let you drop it to 45 so you would be of no difference. Again, that's got to go to DOT for approval.

There was a comment from Al about asking them to do a traffic study at Lane and High as well as at the site locations. Under SEQR the guidance is if you're generating 100 vehicles or

more per hour, then that is a guidance to do a traffic study. In this situation, you're well below that with 40.

We offered comments back to the applicant and in one of their responses they noted that some of these properties might be empty nesters. There's nothing in the documents that I've received to show that it's definitely going to be empty nesters or 55+. Within in this manual I spoke about being able to gather information for single family homes or townhouses or senior living. Senior living has fewer vehicles that are going to be generated. Again, without a guarantee that this is going to be a senior living community or an empty nester community, we used the traditional values which is a worst case scenario and develops more traffic. So within our letter within our letter is the worst case scenario.

There were other various comments about just overall traffic concerns. I think stemming from this development, there's really not that much traffic. I think that the issue is school generated traffic and overall traffic in the area. If I missed anything else from the previous meeting, please let me know if you have any questions.

Chairman Santoro – One of your associates sent something in about reducing speeds.

Ms. Michniewicz – Yes, so we looked into the NYS DOT guidance as far as establishing school zones and then we followed up with the conversation with NYS DOT, Dan Duprey called them about the requirements. In the manuals that we looked at, it said that you need to apply for the speed limit change and we weren't sure who that application went to. So he spoke to NYS DOT and that's who it was.

Ms. Zollo – Does the traffic manual take into consideration a situation like we have here on High Street where we have a campus school? Does it look into that kind of background traffic or does it only talk about the impact of the single-family homes?

Ms. Michniewicz – It tells you how many vehicles you might expect to be generated from a single-family. 20 houses, 19 houses or 100 houses, it'll tell you how many vehicles would be expected from that. It does not tell you what the impact would be on the neighboring roadways. That is where you would actually have to go into a real traffic study where the applicant will go out and count cars. They would establish what the current level of service is and then they would add in the volume that would be anticipated from based on the manual and compare. This is the existing, this is the existing plus what we think we might generate and what are the impacts of that.

Ms. Zollo – Ok, then you said this particular development does not require an actual traffic study?

Ms. Michniewicz – SEQR guidance is if it generates 100 or more vehicles per peak hour, whether it is the morning peak or the evening peak, or another peak. Say you have a hospital that discharges at 3 pm in the afternoon, that would be your peak hour. Under SEQR if you're 100 vehicles or more that is the guidance. This is worst case 40 vehicles in the afternoon peak.

There was another comment about additional traffic due to other things coming to the area. There was a comment about Fishers Ridge. I looked at the Fishers Ridge findings and there were no proposed improvements to be done at the Lane/High intersection. That is primarily because it is a four-way stop. The options to improve it would be to add turn lanes which it did not improve the level of service at that location. Another option would be to add a traffic signal which did improve the level of service, however, it only met the requirements for traffic during certain hours of the day and under the guidance you cannot put it in if it only meets for one hour. So Fishers Ridge, something of that magnitude, is not proposing to do any changes at the Lane/High intersection so even if this were to have impacts, which given this volume, I do not think that it would. If Fishers Ridge is not required to do improvements under the whole Environmental Assessment that we did then it is unlikely that this would either.

Chairman Santoro - Al, do you have questions about level of service?

Mr. Gallina – I think Jennifer pretty much answered them. Personally I would like to see a traffic study done to get a full comprehension of the impact on the campus. Given the campus setting generates a tremendous amount of traffic and what would this do to the level of service. If under SEQR it does not rise to a level that would warrant that then..

Chairman Santoro – SEQR, by the way, means the State Environmental Quality Review Act. That is all our deliberations and looking at these projects that is what we have to abide by.

Mr. Seiter – I agree with Al, the study may not be required but it is certainly a good idea so we can fully appreciate the impact in the immediate area.

Mr. Morrell – I would like to comment on the data you would like to see from us on the empty nester side of the proposed development. To demonstrate that that would meet the empty nester requirement as far as fulfillment of the homes from a traffic criteria perspective we are happy to submit that. We are expecting 100% of those homes to be in that category.

Chairman Santoro – Do you have anything to present tonight other than what you have done in past meetings?

Mr. Morrell – We just did, based on feedback from the Board, we modified trail location placement within the project concurrent with Joe Logan. The only adjustment was that trail connection inter community is now traveling in between along where the storm water management ponds are. *Used the pointer to show on map.* Let me show you, here is where our connection point was coming up between the two homes. Now our connection points will be coming along this pond and where this right of way access point is to the storm water management ponds. We are coming to the colonial home community at this location. Outside of that there is no changes to the proposed development other than what was discussed before and we are looking to responding appropriately to all the comments in writing in the next couple of weeks.

Chairman Santoro – Last meeting you presented a sketch that had a crosswalk over here at the end of this driveway. I think in the materials I saw tonight there is one there as well.

Mr. Morrell – The crosswalks of High Street are you mentioning? That position is here. We are looking at a proposed construction of the sidewalks along this side of the street here and then heading up High Street to the intersection here with a crosswalk connecting with the High Street sidewalks. So no midblock crossing here coming across, basically, up to the corner consistent with feedback that we received from Parks and Rec, Brian Emelson. Then on the cul-de-sac to the south the sidewalk is actually on the south side of the street connecting into High Street here where we have a crosswalk coming across to the sidewalks in this location.

Chairman Santoro – On this one you show a crosswalk here as well. *Points to section on map*

Mr. Morrell – No crosswalk at the entry point.

Mr. Gallina – One of the things looking at this layout, I question the value of having a sidewalk that goes north on High Street versus just having another crosswalk at the intersection with the cul-de-sac. Since there is a sidewalk on the east side of High Street.

Mr. Morrell – The purpose of us putting a sidewalk on this side of the street is where we are expecting the traffic to be going.

Mr. Gallina – I am talking about the one along High Street, the extension of that sidewalk that goes up to the intersection of High and Lane, I am now questioning if there is any value in that. It is highly unlikely that someone is going to come out of the cul-de-sac and go north, cross at the intersection and then come back south.

Mr. Morrell – That is a great comment. We received the feedback back from Brian Emelson that the sidewalks are looking to extend down Lane Road and that an additional applicant was looking to build sidewalks from this position to the corner of Lane and High. That the Town was then working on bringing the sidewalks all the way in to the entry point of the school campus system along Lane Road. We anticipate this being a continuous walking path.

Mr. Gallina – There is already a sidewalk on the east side of High Street, Correct? How many people are really going to use that portion between the cul-de-sac and the west side of High Street?

Mr. Morrell – I see. So what you are saying is to have them cross High Street and then join up to the corner.

Mr. Gallina – Yes, there is already an existing sidewalk there for anybody that wants to go towards that intersection.

Mr. Morrell – That is true and I think there was a comment about having what they call a mid-block crossing. We would be proponents of doing either.

Mr. Gallina – People are going to cross whether there is a crosswalk there or not at the cul-de-sac. I don't think a lot of people are going to walk 100 yards north to cross and then go 100 yards south.

Mr. Morrell – Certainly we would be open to that as applicant we would take whatever guidance the Planning Board wanted to take.

Chairman Santoro asked Councilman Condon for any comments

Councilman Condon – No, in fact it is more of an enforcement issue. High Street all the way up is 30 mph and then it turns into 40. Maybe when Piper Meadows comes in then maybe we would apply, after discussion with Darren Everheart Transportation Supervisor, a joint application to reduce it to 30 but not have it as a school zone. Around the corner up towards the bus garage it is 45 mph and I think that is the dangerous part. Heather's point I think, that is the concern and you guys are talking about the traffic study. It is not the impact of these units rather it is the impact of what the residents already have during the peak hours. Anybody who traverses that road between 7 to 9 in the morning or between 2 and 3:30 in the afternoon realize that that is major congestion up there. I think that is the issue you are looking at and also agree with Al's comments about the sidewalk. No one is going to walk up to the corner to go across the road and then come back to campus. I know what Jeff is looking at and I know Brian is talking about that campus and it does seem to make sense to shoot across the road and you could still work your way to campus on the sidewalk. I think that would expedite that a little bit too. You're looking at the right thing.

Ms. Michniewicz – Your comment about changing the overall speed limit versus establishing a school zone, I forgot to mention also that you are limited to a ¼ mile swath. You could not have it wrap all the way around campus. It is a means to have safer crossing locations for the students it is not a measure of speed enforcement.

Councilman Condon – I think that could come in terms of enforcement of the 30 mph zone. If you are going 30 you are going pretty slowly.

Mr. Pettee – I have a couple of comments to follow up on. I know traffic is a concern community wide. The Town of Victor has been working on traffic issues town wide for some time now recognizing that this project is maybe at the forefront here at the Planning Board. Back in January 2017 the Town initiated a Route 96 corridor strategic plan that was completed about a year ago in March 2018.

The purpose of that plan was to make the community in this corridor, Route 96 corridor, safer and more efficient for travel. There have been six priority projects identified in the Route 96 corridor strategic plan to help address traffic throughout the Victor community. This plan

was done understanding that Fishers Ridge was on the table in years past and some other developments in the community. The Finger Lakes Regional Economic Development council named the Route 96 area a transformative corridor so they see it as a priority corridor to invest public funds and grant funds in the future to do different projects.

I just wanted to flip on the screen here and show ..one application has been submitted already not far away from the school. This is one of the six high priority projects and if you look- you have Victor-Egypt Road here, County Road 9, and the intersection with Lynaugh Road. The application was submitted to do a roundabout here and we expect the Town might receive word of that in the not too distant future. The application is a very competitive application and we are hoping that that project gets funded to help safety in this particular area. I won't spend too much time going into the other five priority areas but there is information.

If the community is interested in learning more about those six priority projects that information is here at the Town Hall also the Town is currently working on an Access Management Plan as well. This is a town wide project looking at access and traffic flow throughout the Town including the Route 96 area. Finding locations to provide cross access easements so that there are not as many curb cuts on Route 96 to help with traffic flow and traffic safety. I wanted to add that as part of the conversation to traffic here. Beyond the Planning Board the Town Board is taking measures to work on traffic. In fact, the Access Management Plan already is suggesting one project in this vicinity, aligning Willowbrook Road with Omnitech. The plan isn't even finished but the Town has already begun conversations with how to make that happen. The Town is hitting the ground running with this Access Management Plan.

Also wanted to talk a little bit about storm water management and this project. This map we did bring up at the previous Planning Board Meeting and it shows a drainage area. We have the campus and the project area in this vicinity. There are different drainage areas that the applicant has provided for us to study and we are trying to make sure that any of the development does not result in an increase in runoff or discharges to adjoining properties. We want to make sure the flows are not causing adverse impacts downstream. This project is not having impact to drainage on the school campus. A lot of the school campus you can see this impervious area, the building rooftops, the parking lots, the roadways is flowing outside the yellow shaded area *Refers to map on screen*. There is a small area of the school campus here which really concentrates into this pond location right here. There are also culverts that travel underground and they are depicted on the subdivision plans. There are three of them that cross the road. We have one wetland pond and there is also a structure there which helps the water if it gets high enough to get underneath the road and into this stream and wetlands. There is a crossing here and I think there may be another crossing here. There is some drainage on High Street. We have the school, the 2 subject parcels here and the pond. The area flows in the direction towards this project here *Refers to map on screen of High Street*. There is some physical infrastructure that is constructed underneath the roadway allowing for flows from this area to get to here. It was noted that there was a concern about a swale that is located behind

these two properties here. The existing drainage area contributing to this swale is about 3.3 acres. After the project is constructed, as it is depicted now, the drainage area that would be sending water to this location is 2.1 acres. The drainage area would be smaller. They are discharging less water in this area. That is all I have for right now.

Ms. Zollo – I have one more question and is somewhat related to what Wes was just talking about. I was reading in our consultant's comments the plan is to clear all the vegetation along this stream. Is that correct?

Mr. Morrell – We are not looking to do any clearing. These are designated as open space so we are outlining where the stream quarter is but this area is all in conservation easements. This is the Piper property and also all in conservation easements. There is no impact or construction for where the existing current homes are. The remaining stream corridors here, as we walked this with the Conservation Board, we were very specific to stay away from both the slopes as well as any disturbance to the existing vegetation. The only change we had from original proposal to this one was the increase in being able to preserve the natural vegetation immediately to the south of our entry point. We are going to be doing the installation of our storm ponds, this is an area that is already cleared and we have completely delineated this as wetland area.

Ms. Zollo – The vegetation along the stream even between the two storm water ponds is not going to be cleared? I don't know if it was a Conservation Board comment or the County that somewhere it had read that they wondered why that was going to happen.

Mr. Morrell – *Inaudible was away from the microphone.* We had an original proposal where we had the road in between so maybe that is where some of the confusion came from. We had an interconnecting road between the two communities and we did not have an exit at this point. Based on feedback from the Board we were able to remove all of that.

Ms. Zollo - So the full stream buffer is intact?

Mr. Morrell – Yes, it is intact.

Chairman Santoro – We also had a question last time about the zoning issue. I put that question to our Counsel, Joe Picciotti of Harris Beach firm, he emailed back. “Long story short, we now have two applications for interpretation on this matter that was filed with the Zoning Board of Appeals. I recommend the Planning Board await a determination from the Zoning Board of Appeals, at this point it is up to the ZBA to address the issue. In addition, it would be problematic for the Planning Board to take a potentially contrary position before the ZBA makes its interpretation.”

That is where that issue stands right now. It is ongoing and there will be a Resolution at some point.

Any one from the public have questions or comments?

Sue Davie at 930 High Street hands out information to the Board members.

Ms. Davie – This is to the Town of Victor Planning Board. If you read along with me. This is from the residents of Lane/High Street and Marshal Trail. It is a consensus of all the things they are requesting.

Topic is request for projects either added/deleted or stay the same and clarification of zoning requirements.

#1 First of all, add large stones to existing swales to the sides and bottom of the swale beds to slow the water drainage and erosion. The existing swales collect water from the acreage above and across High Street.

#2 Add hundreds of Hickory and Conifers, closest to the pre-existing homes for privacy, erosion and a noise barrier. Also around Route 96 because once that land that has all Ash trees on it, they are all dying or dead, is going to be bare.

#3 They are requesting to have the flashing stop light at the corner of Lane and High Street stay the same. They do not want a stop light, they want the flashing light. People that have lived there 30 and 40 years have tried everything and that seems to work out best for them and all of us.

#4 This is to eliminate the proposed sidewalk. This was brought up tonight and I am glad to hear that you are thinking about it too. Eliminate that proposed sidewalk from the north entrance of the proposed Piper Meadow project to the corner of Lane and High Street.

#5 They want to add the crosswalks and crossing guards at both new entrances of proposed project. They do not want the flashing lights. Why that was changed from our first request is the fact that I talked to Chris Marshall at the school. He said of all the places that he has been he said having a crossing guard and a crosswalk seems to work best. That is what we are asking for.

#6 Add sidewalks on the east side of High Street and east on Lane Road because, as you know, they are going to add more sidewalks that go all the way around from Lane Road east onto the campus again and hook up to the new sidewalks that they put in by the baseball fields. Then snow removal. Have someone responsible for the snow removal. What we saw this winter was kids and people that are walking along and there are certain sections of High Street where the new sidewalk is that were not shoveled. People were walking in the roads and that was so dangerous to see that happen. Kids and adults both.

#7 Reducing the speed limit on Lane and High Street to 20-25 mph.

#8 Adding a ditch along the west side of High Street from the south entrance of the proposed Pieper Meadow project to the Village line. This would relieve the water drainage from the school property. You talked about it tonight and talking about two acres. You have factored in what is coming across the street from the school and that adds another 40 acres of water that crosses over High Street.

#9 Clarification of the zoning requirements. Yes, I will be there on the 15<sup>th</sup> of April to find out what that means and where we are headed for that.

I will also give you a copy. I talked about the drainage ditch and it is very concerning. There is no ditch on either side of the road for quite a stretch of land. We are getting a lot of water either over the road or under the road and that seems to be increasing. That water drained

into that swale that has not been eliminated on the last two maps that I have seen. I would like to see that swale stay there and just put more rocks in it so that it helps with erosion and slows down the flow of water. People who have lived there, especially Ron Marshall, has said he has seen water go thru that swale just like the Mississippi River. That will fill up quicker than quick and he said it is really a needed part of the project. I am going to hand this to you because this is something that has been recommended by a local engineer. A ditch, like a double decker, the top part of it takes care of the water on the surface and coming off of High Street and the bottom part takes care of water that comes from like 5 feet under the ground. It is highly recommended.

Ms. Davie hands out information to Board members.

Chairman Santoro – Any other questions or comments? *No one else from public came forward.* That being the case we will conclude for this evening. The public hearing is still open.

**BANK OF AMERICA ATM**

7651 State Route 96 (Panera Bread)

Owner – West Hollow LLC

5-SP-2019

Zoned - Commercial

Applicant is requesting approval for a drive-up ATM kiosk with a bypass lane with signs, clearance bar and site lighting.

Matt Lingham of Stonefield Engineering representing Bank of America

Mr. Lingham – Last time I was here we discussed curb cuts along the drive thru lane as well as improvements to the lighting and replacing already existing drainage ditch with stone. We have added curbing along the whole drive thru lane and added curb cuts every 20 feet within that curb to allow water to flow thru to access the infiltration pretreatment facility. We took a look at the lighting based on LaBellas comments and one of the main comments that they had was regarding the canopy lights of the ATM. Those are pretty standard for these Bank of America ATM projects. There are specifications that is included in these ATM frames. There is really no adjustment for that. The reason that is, is the bank likes to provide as much security lighting as possible at the face of the ATM because that is where the customer is making the transaction to withdraw money and where they are going to need the most protection. The bank designed the canopy lights for this specific reason of providing maximum security for the customer to operate the ATM.

One of the other comments was regarding lowering the lights and adding more light poles. We did try and redesign the lighting design to incorporate more light poles at a lower

elevation across the property. We would have to add three to four more area lights to comply with NYS standards for ATMs which we thought was a little excessive. We can definitely reach out to LaBella and discuss their best solution to find a mid-way point for the lighting design to comply with both NYS and the Town requirements as much as possible.

We discussed the storm water management and we are increasing impervious coverage on site by 700 sq feet. We are looking into it with the Panera landlord too find another area to mitigate that increase of impervious coverage on site. We are looking to the parking area right adjacent to the ATM drive thru lane. That is angled parking and we are able to potentially decrease the size of the drive thru lane and increase the size of the impervious coverage. We would redo the parking island associated with the Panera Bread and then increase the impervious coverage on site. To mitigate the increase of impervious caused by the drive thru lane and the bypass lane for the project.

Chairman Santoro – Al you had some question on the lighting.

Mr. Gallina – Yes I did *inaudible*

Mr. Pettee – My observation of the lighting plan it does not appear there is a whole lot of light trespass across the property line. That does not seem to be the issue. The issue that we identified was the intensity of the lighting in the immediate vicinity of the ATM itself. We had one of our electrical engineers look at these plans and maybe what we could do is follow up with the applicant with a phone call as he suggested in talking about a way to resolve, what appears to be, an excessive brightness right at the ATM location itself. As far as light spill that does not seem to be the issue at all for us.

Chairman Santoro – Did you see Labella’s letter dated today?

Mr. Lingham – Yes I did. It came thru today at 2:00 pm. I took a look at it before coming here today.

Chairman Santoro – There is a comment on the landscaping comment.

Mr. Lingham – We addressed the landscaping comment. They marked it as addressed. There were existing three trees in that area where the ATM is going and we are removing one of the additional trees in the parking island. If it is within the ATM radius it effects the lighting on site within the requirement for NYS. We proposed three trees along the ingress driveway of the ATM that would be outside the 60 foot radius and we proposed an additional tree for the egress of the Panera to the north. That is to replace the four trees we were removing. We proposed to replace them on site as well as to provide additional landscaping separating the parking area from the drive thru and bypass lane.

Ms. Zollo – I am going back to the lighting. According to what I have read from all of the different comments your lighting is still exceeding the NYS ATM safety lighting requirements. If you are exceeding the Town Code and you are exceeding the ATM Code it seems to me, as Wes has pointed out, it's excessive. I would like to see something corrected about that and I want to confirm that the bulbs you are having in the canopy are they flat?

Mr. Lingham – Yes they are recessed within the canopy. They are recessed LED within the canopy that are standard for the Bank of America ATM's they come with the model that is proposed for these sites. The bank does want to provide the most security they can at the face of the ATM. The main comment with LaBella review letter was that at the face of the ATM there is a 44 candle reading. We do find that that is adequate and there is a five foot radius that we need to comply with so we are trying to comply with that as well as provide the maximum amount of security.

Ms. Zollo – Wes I hope there is something that we can resolve so that it is not, people have spent a lot of time setting up our lighting code here in the Town and you are exceeding that and you are exceeding the ATM safety code. I wish someone would come in here and put something up that actually complies with all the rules. Everybody has to be an exception.

Chairman Santoro – I think the problem is the state law passed us.

Ms. Zollo – Right but they are still exceeding that too.

Mr. Lingham – The reason we exceed it outside of that five foot radius and the area of the 60 foot radius and the 50 foot radius is you have to comply along the edges of those circles. The way we designed it was to minimize the amount of light poles as well as comply at the extremes of each radii of the state standards. The 50 foot state requirement five feet above grade is to hit two foot candles. The way we located these area lights is to comply with that two foot candle minimum at the extreme point of the radius. Area lights are positioned and proposed to yes, at certain areas, they do exceed the state minimum. Unless you want to provide four additional light poles within this area it would be impossible to hit the extent of the radii while maintaining the minimum illumination required. That is what we are going to work with LaBella on is if they would like more light poles in that area we can definitely propose it. We did a quick analysis of these light poles at around 15 foot high and we would have to provide three to four more area lights with in that area to reduce the illumination on site but also provide more light poles in the area.

Mr. Pettee – Would that address the concern about the immediate vicinity of the ATM itself? Would the canopy lights?

Mr. Lingham – The canopy lights are a bank standard so those are within the frame of the ATM. We can reach out to bank store design to see if they have an option for different canopy light. I know it is what we have been working with in the past and that is what they have always come

back with us at. This is a standard with in the ATM and they want to provide the maximum security for their customers.

Mr. Pettee – I understand that. I think it would be beneficial if our lighting engineer could chat with you on that specifically. You really seem to feel that something could be done with the canopy. I don't know if he understood fully what you have expressed here tonight that it is the bank standard.

Mr. Lingham – We can reach out to the manufacture to see if they have an option. We can definitely do that. Mainly for the face of the ATM rather than the area lights in the vicinity. If you would like to see more area lights we can do it but it is obviously just going to be denser with area lights.

Mr. Pettee- I think that is where I would want some Planning Board guidance in terms of would you be okay with more light poles.

Mr. Lingham – Now we would be proposing six area lights.

Ms. Zollo – The height of your poles?

Mr. Lingham – We have four at 25 feet and two at 12 feet. The four at 25 feet are the ones on the outer edges.

Ms. Zollo – Are there any ATMs in the area that we could check out?

Mr. Lingham – We can definitely take a look at that and see what their configuration is.

Ms. Zollo – Probably having more light poles is probably not the ideal. Wes, you said that you and the other engineers were most concern about the canopy. If you can do something about the canopy and change the light bulbs or something.

Chairman Santoro – Have you had a chance to look at the proposed resolution? Any one from public have any comment or questions?

Motion to close the public hearing by Al Gallina, seconded by Rich Seiter

Chairman Santoro – I made some amendments to this. I have added the letter of March 26<sup>th</sup>, 2019 in addition to the February 22<sup>nd</sup> letter from LaBella.

Ms. Zollo – Can we add something in about the discussion that just took place about the lighting.

Mr. Lingham – We will definitely coordinate with Labella.

Chairman Santoro – Do you have a suggestion to language?

Mr. Gallina – It is actually in the response back already from the applicant to LaBella on lighting around the canopy lights.

### **RESOLUTION**

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

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

1. A site plan application was received on January 25, 2019 by the Secretary of the Planning Board for a Site Plan entitled Bank of America ATM.
2. It is the intent of the applicant to construct a drive-up ATM kiosk with associated site improvements.
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 February 26, 2019 at which time the public was permitted to speak on the 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. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On February 13, 2019, the Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
7. In a letter dated February 22, 2019 and March 26, 2019 Labella Associates stated that comments remain to be addressed.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 26, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Bank of America ATM, 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 Bank of America, 13850 Ballantyne Corporate Place, Charlotte, NC, Site Plan entitled Bank of America ATM, drawn by Stonefield Engineering & Design, dated January 2019, last revised March 2019, received by the Planning Board

January 25, 2019, Planning Board Application No. 5-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 February 22, 2019 and March 26, 2019 from LaBella Associates be addressed.
- 3. That comments from Marty Avila, Code Enforcement Officer, dated February 12, 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	Absent
Heather Zollo	Aye
Al Gallina	Aye
Rich Seiter	Aye

Approved 4 Ayes, 0 Nays, 1 Absent

**WALMART REMODEL**  
441 Commerce Drive  
Owner – Main Street Stop LLC

2-SP-2019  
Zoned - Commercial

Applicant would like to re-paint the exterior of the store to a neutral color scheme and to add a "Pickup" sign to identify a new service.

Ed Wilson here representing Walmart

Mr. Wilson – Last time I was here two weeks ago we had discussed the “Pick Up” sign that Walmart is wanting to put up there to show there online grocery pick up. It was discussed that we needed a Zoning Board recommendation for that. When we reached out we were told that was not the case but we did receive a recommendation from Code Enforcement explaining that we are within the sq. footage and limits of the site. That it is within the Planning Board jurisdiction to approve any additional signs on there. Adding the “Pick Up” sign would bring the total signage on the building to 263 sq. feet and the limit we have because of the lineal frontage is 375 sq. feet. The sq. footage limit is 375 sq. feet on that. It is a white sign it is not very intrusive. We are asking that the Board approve.

Chairman Santoro – What about lighting?

Mr. Wilson – It is lit but it is internally lit.

Chairman Santoro – Anyone have any questions? Public hearing is still open if any wishes to speak?

Motion to close the public hearing by Al Gallina, seconded by Rich Seiter

## **RESOLUTION**

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

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

1. A Site Plan application was received on January 14, 2019 by the Secretary of the Planning Board entitled Walmart – Proposed Exterior Elevations.
2. It is the intent of the applicant to re-paint the exterior of the store to a neutral color scheme with orange and blue accent color and to add a “Pickup” sign to identify a new service. Also requested is the expansion/addition to the bale & recycling enclosure.

3. A public hearing was duly called for and was published in “The Daily Messenger” and 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 February 26, 2019 at which time the public was invited to speak on the application.
5. 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 retained application as a Class 1 with comments.
6. The Town of Victor Code Enforcement Officer reviewed the site plan and commented that the proposed replacement and additional signage is compliant with Town Code. A building permit is required. A building permit would also be required for the expansion of the bale and pallet recycling enclosure.
7. Labella Associates reviewed the application and indicated that the proposed façade color is not recommended referring to the bright blue and orange that is proposed on the front façade/signage portion of the building.

NOW, THEREFORE BE IT RESOLVED, that the application of Edward J. Wilson/Dennis D. Smith AIA, 345 Riverview, Suite 200, Wichita, KS, drawn by DENNIS D. SMITH, AIA, dated December 2018, Sheets AHJ-1, AHJ-2, AHJ-3, AJH-4 and AJH-5, received by the Planning Board January 14, 2019, Planning Board Application No. 2-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 February 4, 2019 from Labella Associates regarding architectural review be addressed.

**Ongoing 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 for the bale and pallet recycling enclosure.
- 3. That a sign permit be obtained for the replacement sign and new signage.

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

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

Approved 4 Ayes, 0 Nays, 1 Absent

**SCOUT RESERVE – LOT #2**

2-SK-2019

6773 Aldridge Road  
 Owner – DeHollander Design, Inc.

Zoned – Residential 2 with C overlay

Applicant is requesting approval for five new home sites on lot sizes ranging from .6 acres to 6 acres. The property will be accessed via a private roadway from Aldridge Road.

Scott DeHollander of DeHollander Design at 7346 Dryer Road

Mr. DeHollander – I prepared the drawing. It is very consistent with what we have previously talked to the Board about. This is five home sites on a shared driveway located between Lots #1 and #3 of the previous application. We are planning to utilize the 103+/- feet of frontage on Aldridge Road currently part of Lot #2 for our shared driveway access. All the home sites will be served with domestic water, sanitary sewer and natural gas and electric. We preserved all of the previously imposed conservation easements areas that we have worked out during the previous application as well. As I have mentioned just a second ago we are looking for a waiver. That was one of the comments that we responded to in the LaBella letter regarding use of a shared driveway which is a formality. The Code allows three houses to utilize a shared driveway. We would like to have five houses on a shared driveway. That is my brief presentation.

Chairman Santoro – We are not doing any approvals tonight. There will more going on this as we go along.

Anyone from the Board have issues or questions on this proposed Resolution?

This is not a public hearing but if anybody wishes to comment or ask a question we will entertain them.

Monica Murphy of Aldridge Road

Ms. Murphy - I was listening to you before when you were talking about traffic concerns. The traffic is ridiculous on Aldridge Road. I worry about any more traffic and the tunnel coming on High Street getting off Aldridge Road that is horrible. Many people on our end of town use the Willowbrook tunnel. I have gone to the Highway Department about that twice in the past three or four weeks. People have come head on with me. My issues isn't so much with the houses, although that is part of it, it is most definitely about the traffic generated on Aldridge Road.

Chairman Santoro – If you heard what Mr. Pettee said earlier about the Town is trying to do things.

Ms. Murphy – I have lived here all my life. I am sure when those tunnels were made 70 years ago when Victor was still asleep it was fine. Nothing can be done, I assume, about the tunnels but something needs to be done about the traffic going thru.

Chairman Santoro – I believe the tunnel is a State tunnel.

Ms. Murphy – I totally agree. What do we have that could help? It's dangerous and there is going to be some bad stuff and the more traffic that goes thru it the more dangerous it gets. I am not looking for resolution it is simply a statement.

Chairman Santoro – I have lived here for 42 years and when we first moved here I could leave my driveway and head to 490 and if I saw three cars that was a busy day.

Ms. Murphy – I get what you are saying and I like progress. I don't like what is going on with the traffic.

Mr. Pettee – A little in response to those overpasses for the thruway. The Town has put in place in there comprehensive plan that was adopted in 2015, as well as, the Access Management Plan that we are currently working on. We have identified those places; Willowbrook, High Street and Brownsville Road as important pieces that when the State or Thruway Authority is planning for capital projects that they need to take into consideration a local comp plan. So those have all been flagged as items the Town wants to get addressed basically because they have the same concerns you do. I just wanted to mention that the Town recognizes that.

Lisa Brotsch at 6768 Aldridge Road

Ms. Brotsch – I have a question. How far back are you going for these houses? Are you going up into the woods and clearing the woods? In the development behind me they just cleared out

that woods and now if you clear out this woods, this is our buffer between us and the thruway. I am really worried about that because the noise can get very bad and if they take out that woods for these houses, our house is in trouble.

Frances Murphy at 6815 Aldridge Road

Mr. Murphy – Question to Scott. Number 2 Lot. Is that sold? So Lot #2 is going to be subdivided now into a portion into a Lot#2 house and a road going thru? *Mr. DeHollander answered yes.* I have an older sketch now they are going to be back almost 500 feet off the road. So they are going to be in my back yard.

Mr. DeHollander – Not in your backyard. Behind your house.

Mr. Murphy – One of the things you talked about before is you were going to put a sideline in here. When is that going to be done? Lot Line delineation. The way the deed says it is where the cow walked, where the orchards was, where the stones were left between fields and stuff like that. There is no way of telling where the lot lines are anymore.

Chairman Santoro – Scott, you had a survey done didn't you?

Mr. DeHollander – Yes.

Chairman Santoro – That should tell you were the lot line is.

Mr. Murphy – That is it then. Thank you.

Chairman Santoro – This is not an approval this is an acknowledgment that the sketch plat is complete.

## **RESOLUTION**

On motion made by Rich Seiter, seconded by Heather Zollo.

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

1. A sketch plan application was received on February 27, 2019 by the Secretary of the Planning Board for a Major Subdivision entitled Scout Reserve Subdivision, Resubdivision of Lot #2.
2. It is the intent of the applicant to subdivide 23 acres into 5 lots.
3. In a letter dated March 5, 2019, LaBella Associates sent a summary of their findings.

Mr. Pettee – As a follow up to that March 5<sup>th</sup> letter the applicant did provide responses and pretty adequately addressed the concerns that LaBella identified at this point. I think there is further discussion that we will have at the preliminary stage.

4. Al Benedict, Code Enforcement Officer, reviewed the sketch plan and made comments dated March 7, 2019.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of DeHollander Design, Inc, Major Subdivision entitled Scout Reserve Subdivision, Resubdivision of Lot #2, drawn by DeHollander Design, Inc, dated April 2018, last revised July 2018, received by the Planning Board February 27, 2019, Planning Board Application No. 2-SK-19, the Planning Board **acknowledges receipt of a complete sketch plat application;**

AND, BE IT FURTHER RESOLVED, that the Planning Board Secretary forward a copy of this resolution to the applicant.

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

Approved 4 Ayes, 0 Nays, 1 Absent

There were no other discussions.

Motion was made by Al Gallina seconded by Heather Zollo RESOLVED the meeting was adjourned at 8:14 PM

Lisa Boughton, Secretary

