

A regular meeting of the Town of Victor Planning Board was held on Wednesday, May 29, 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: Joe Logan, Vice Chairman, Al Gallina, Heather Zollo, Rich Seiter

ABSENT: Ernie Santoro, Chairman

OTHERS: Wes Pettee, Town Engineer; Ed Kahovec, Town Board Liaison; Lisa Boughton, Secretary; Lee Wager, David Nankin, Michael DeNisco, David Schond, Jean Bolton, Kathy Boughton, Kristin Moore, Scott Morrell, Adam Ryczek, Jenamarie Bacot.

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

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

**APPROVAL OF MINUTES**

On motion of Heather Zollo, seconded by Al Gallina

RESOLVED that the minutes of May 14, 2019 be approved.

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

Approved 3 Ayes, 0 Nays, 1 Abstained

**CORRESPONDENCE**

Gloria & Dave Schond re: Piper Meadows Subdivision

**BOARDS & COMMITTEE UPDATES**

Councilman Kahovec to report from the Town Board

Councilman Kahovec – I was previously on the Conservation Board as Liaison from January thru April of this year. The ZBA from July thru December of this year and Liaison for the transfer station for the whole year. A couple things from the Town Board meeting from last night: June, July and August will have meeting per month. June 24<sup>th</sup> we will recognize honor flight and we will have a celebration for them. July 22<sup>nd</sup> will be a meeting then Aug. 26.

A couple things that came up yesterday in the meeting, and I will go thru them very briefly. These are things that have come before the Planning Board before. Blumont Rise Subdivision sewer district that has been approved and passed last night. Additionally, we had a good discussion among the group to appeal a local law regarding 7200 Rawson Road, which is a PDD, a Planned Development District. They have not come before the Board to approve anything further and has been since 2015. We talked about what a Sunset Clause was and how that would interact since some of the Board felt that the Sunset Clause could just be adopted while the resolution was too have a public hearing to, basically, revoke the PDD for them. It would go back to what the previous zoning was, which was Light Industrial. Bringing you up to date on a few things.

Chairman Logan – That parcel we also had approved temporary stockpile of soils and it has been top soiled and seeded and it has been sitting there. Does that effect the presence of that and I know they were thinking about using that for regrading out there?

Councilman Kahovec – Not as I understand it since they had no Site Plan approval. That will come again with us and I will keep you posted as we move thru that.

Chairman Logan – There was a development that came preliminarily to us but never made it all the way thru to final. Thank you Councilman Kahovec.

Planning Board reported by Kim Kinsella

- June 11<sup>th</sup> meeting
  - Public Hearing
    - Blanding Frame Shop Addition at 6431 State Route 96 requesting a change of use from an office furniture showroom to a custom picture framing business. Applicant is requesting approval to add a 24 foot x 36 foot addition onto the front of an existing garage to use as a showroom for his picture framing business.

- AT&T Signage at Commerce Drive Applicant is requesting approval for a building mounted sign to be installed on the store front.
- Victor Crossing site plan modification at Victor Crossing Applicant is requesting approval for a building mounted sign to be installed on the store front.
- Naan-Tastic Signage at Victor Crossing is requesting approval for a building mounted sign to be installed on the store front.

### **PUBLIC HEARING**

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

#### **AT&T SIGNAGE**

17-SP-2019

**TABLED TILL JUNE 11, 2019**

400 -441 Commerce Drive

Zoned - Commercial

Owner – Main Street Stop, LLC

Applicant is requesting approval for a building mounted sign to be installed on the store front.

#### **VICTOR CROSSING**

19-SP-2019

**TABLED TILL JUNE 11, 2019**

400-441 Commerce Drive

Zoned – Commercial

Owner – Main Street Stop, LLC

Applicant is requesting to convert approved retail to a restaurant space along with expanding the existing sidewalk into a larger patio space with a raised pedestrian crosswalk. The existing drive lane is proposed to be “wowed” out to allow for expansion. A raised pedestrian connection to the existing sidewalk will be constructed with connection to Breathe Yoga-Orange Theory building.

#### **NAAN-TASTIC INDIAN GRILL SIGNAGE**

18-SP-2019

**TABLED TILL JUNE 11, 2019**

400-441 Commerce Drive

Zoned – Commercial

Owner – Main Street Stop, LLC

Applicant is requesting approval for a building mounted sign to be installed on the store front.

**LA-Z-BOY**

15-SP-19

40 Eastview Mall Dr.

Zoned – Commercial

Owner – East Brook Properties, LLC

Applicant is requesting to convert 16,000 sf of the existing Stickley Furniture Store into a new La-Z-Boy Furniture Showroom. A new entrance tower would be constructed along with new concrete steps and ADA access sidewalk to the new entrance.

Michael DeNisco representing La-Z-Boy Furniture

Mr. DeNisco – I have a colored rendering that with your permission I will put up. One of the requests was to have a rendering of the full building. We have sent in response letters with our updated information. I thought it would be best to highlight a couple of items in there with our changes. At the request of the Planning Board we have created an overall colored elevation showing both Stickley entrance tower as well as the new La-Z-Boy entrance tower. The elevation also clarifies that the only window being removed from the existing façade is the window located at the new entrance store front, all other window will remain. In regard to the change of siding color from blue to medium cream, La-Z-Boy is willing to consider the use of the existing blue T1-11 siding as shown in the attached colored elevations. The colors of the La-Z-Boy entrance tower also tie in well with the existing colors of Stickleys façade.

La-Z-Boy is also willing to consider the following changes from their pro-typical tower design in an attempt to alleviate some concerns that the Planning Board had last time we were here. The addition on the rendering, we added the stone accents at the base of the new La-Z-Boy entrance. The stone will match the existing stone used throughout the site. The coping profile at the new La-Z-Boy entrance will match the coping profile used on the Stickley entrance. La-Z-Boy is willing to consider the use of T1-11 siding on the tower sides, which are the brown sides. A big change is the color, we left the color the same throughout. There were some questions regarding the lighting. Of the two accent lights that are on the front piers they are facing downward and low lightage. They do not change much of the lighting.

Chairman Logan – They are just wall sconces? *Yes* You do not have any up lighting on the building and in any of the landscaping or things like that?

Mr. DeNisco – No. Everything g stays the same in regards to lighting. There were a couple questions on the engineering end of things. LaBella requested the applicant to design regarding the site plan drawing of a location map that depicts the project site in the context of

the surrounding neighborhood. We added that. The location map has been added to sheet C-1.1.

Sanitary Sewer Flow. The flow arrows have been updated on sheet C-1.1 to reflect the information provided.

Zoning note indicated has been added to sheet C-1.1.

Landscape Buffer that was a question, has been added to sheet A-1.1. There are two plants. Plant one was a 24" Gray Owl Juniper. Plant two is a 24" Dark Green Spreading Yew.

Signage. I was at the Zoning meeting. I was looking for a 141 sq. ft. sign and the variance to go from a 124 to 141 sq. ft. and the Board asked me if I could get it to a 124. I am able to get it under 124 sq. ft. It is actually going to be 123 sq. ft. As for the side sign, that is something that Stickley has to come to the Zoning Board as well regarding the sign on the east side of the building. The Code calls for only one operator to be there. Stickley would like to have their sign there as well. The La-Z-Boy is going to be the tenant there so that still needs to be worked out on that side of the building.

Chairman Logan – I don't recall if there is any sign on that side.

Mr. DeNisco – Stickley does have a sign on that side. Those are the changes that we have made.

Chairman Logan – We have held the public hearing open on this project. I would like to first hear from Wes and his comments on the architect's perspective and any other engineer comments he may have for it.

Mr. Pettee – Labella did comment on May 8, 2019 to which the applicant did respond. He just mentioned what the responses were. We are perfectly fine with all their responses. They have done what we have requested in that regard. Just today, Labella's Architect, Mark Kukuvka, issued an updated comment letter. He mentioned, in general, the updated rendering seems to be consistent with Route 96/251 Overlay corridor but he did have two suggestions for the applicant to consider. One being the major entrances on the surrounding entrances. They have tapered stone from grade level to the bottom of the soffit. The applicant might consider taking a similar approach at the La-Z-Boy entrance. There is this rock feature on the side of the Stickley doorway that goes up to the bottom of the canopy. What La-Z-Boy has is, they have the stone feature but does not go quite as far. The second observation was the hip roof element is also a constant theme in this plaza. The applicant might consider by incorporating a lower profile version on top of the La-Z-Boy entrance. The hip style roof is consistent in this plaza. The City Mattress also has this feature as well.

Chairman Logan – They are actually replacing one of the hip roof style.

Mr. DeNisco – On the right side of the Stickley sign there is a hip roof that is exactly where our front is going. On the left side.

Mr. Pettee – Here is the Stickley entrance right here. *Refers to image on screen of plaza* This appears to be the location where La-Z-Boy would be. You can see the hip roof there. It is consistent on both sides. You can see City Mattress also.

Chairman Logan – If you go back to the Stickley entrance that has the wider section with the soffits and the smaller roof in the middle. Mark was suggesting that they do the same thing. It would have the cream color in the middle instead of the blue backing the Stickley sign, you would have it cream colored thru there perhaps and with the roof above that. Bring the stone up to where the feature is for the sign. It is going to be a wider entrance the way they have depicted on here. They have two side lights and a double door in the middle and it broadens out quite a bit more than what Stickley has.

Mr. DeNisco – It would be bigger.

Chairman Logan – You could still put a small hat on top of the area where the La-Z-Boy is. The only problem is would have to wider to match the columns, correct?

Mr. Pettee – Yes, probably.

Chairman Logan – It would be the biggest feature on that site in terms of the hat roof. I don't if Mark was looking at that or something with the same size as what is on the right.

Mr. Pettee – It would probably have to be larger than what is depicted on the right side. It is more of a major entrance what they are showing here. Otherwise he felt confident that it met the Route 96 overlay corridor. It is a good improvement based on what we saw last time.

Ms. Zollo – I think it is much improved from last time. I sketched the roof on top and think that adds consistency in that area. I think it would still stand out because of the cream color and probably even more since it will have to be a little bit larger. I would still like to see what the architect has recommended. You said you had gotten your sign down to 123 sq. ft. Is that this sign on the front? Or are you talking about the west side?

Mr. DeNisco – On the front, on the north end.

Ms. Zollo – So you do not need a variance for that. *No* I was looking at drawings C-1.1. Is that dumpster location on the west side a new location? Back of the La-Z-Boy but the west side of the building.

Mr. DeNisco – I believe that is current. I am not seeing it ..I'm sorry.

Chairman Logan – Wes is bringing it up on Google Earth and it looks existing.

Mr, DeNisco – What we put behind the store is a small little dumpster just to be able to put trash out. The backside would be where our little warehouse area is. It would be a small dumpster.

Ms. Zollo – It is small and it seems to be well hidden behind those trees.

Chairman Logan – It is enclosed and looks like the doors are still open.

Ms. Zollo –Aren't they all, always open. I run behind the Benderson Property and they all open all the time.

Mr. DeNisco – I know at our other stores we put a lock on them. We do not want people coming and putting their trash in there.

Chairman Logan – If Stickley wanted to be able to use that, they would have to go all the way around your store to use it.

Mr. DeNisco – I believe they already have a dumpster.

Chairman Logan – The public is still open. Anyone in the audience that would like to comment? Being as there is none, is there a motion to close the public hearing.

Chairman Logan - Motion to close public hearing Al Gallina, second Rich Seiter. We can wait until Zoning approves the variance or we can do conditional resolution based on approval from the Zoning Board. Are we still worried about the architecture?

Mr. Gallina – From my perspective an addition of a hip roof, in principal, is not a bad one but

again I am not sure how it would get sized and work there. I am not opposed to what is being currently proposed either.

Chairman Logan – Anything with the side lights with the stone versus with the way they have shown it here?

Mr. Gallina – I am fine either way because again the lower stone does mirror the full right entrance with the lower stone, so it balances from that perspective.

Ms. Zollo – I would like to see the little hip roof on there but it is much improved from the original. We do have it as a condition that the comments about architectural review be addressed. I feel we can go ahead.

Chairman Logan – We have made a lot of comments. If you are okay with the way it is but would rather see it enhance, we can make that comment.

Ms. Zollo – We need to adjust that and say the comments from LaBella regarding architecture review including the addition of the height of stone pillars be increased and the addition of the hip roof be added.

Chairman Logan – Perhaps they consider adding a hip roof.

Ms. Zollo – I like what you have done with it and I think you have made great improvements, those are things that I think would make it even better.

Chairman Logan – I will add that to #2 under condones to be addressed prior to signature. As far as the area variance for the sign, we should condition this approval on the area variance by the Zoning Board. Better to say condition on the signage as approved by the Zoning Board. We are not approving the signage area variance. We are okay with the sign it is just the size of it. We do not want to approve this size. #5 the sign comply with Zoning Board variance as granted.

Mr. Pettee – That a note be included on the site plan that describes any variances received related to signage.

Chairman Logan – If you are okay with proceeding with this resolution has been amended. You



will have a conditional approval and once Zoning Board gives you the variance or its determination then that will apply based on the notes we just put in the conditions.

Mr. DeNisco – Conditional approval the way it is now.

Chairman Logan – Yes, with the exception of the architecture comments being addressed and the signage from Zoning.

Mr. DeNisco – So I want to understand that the architect's comments regarding the roof or the stone.

Chairman Logan – Height of the stone pillars. Did he say specifically the hip roof?

Mr. Pettee – Yes so the two comments were one, please note that the surrounding buildings the major entrances have tapered stone from the grade level to the bottom of the canopy and the soffit. Second item, the hip roof element is also a constant theme that might be considered in incorporating a lower profile version on top of the La-Z-Boy entrance signage element.

Mr. DeNisco – If I can comment on that for a moment, my architect discussed that he felt that it wouldn't work on our La-Z-Boy roof. I actually have already talked to La-Z-Boy about that since I knew this question could potentially come up. Their branding requirements have certain criteria. They are not going to approve this store for me if they have to add that roof to it. My architect discussed it with me and the difficulty to put that on that size of a tower.

Chairman Logan – We are asking you to address the comments. If you come back an address that from your architects perspective, Mark Kuvkva could consider that and the Board at least would like you to address that you looked at it. Describe what it was that was necessary to keep with what you are doing or any modifications that might get it closer to the architecture comments that we have. I think stone pillars and the roof can be addressed. Either you raise the stone pillars and say that the roof doesn't fit dimensionally, proportionally or whichever. I think the Board is pleased with the effort you have made. There is a few comments that the architect has made and would like your architect respond to. If they can incorporate some of those things that would be appreciated. That is what we mean by addressing the comments. Try not to be too vague.

## RESOLUTION

Motion made by Heather Zollo, seconded by Al Gallina.

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

1. A Site Plan application was received on April 9, 2019 by the Secretary of the Planning Board entitled La-Z-Boy.
2. It is the intent of the applicant to convert and renovate approximately 16,000 of the existing Stickleby Furniture building into a new La-Z-Boy Home Furnishings & Décor store. The applicant is requesting site plan approval for a façade upgrade to include adding a new entrance tower along with new concrete steps and ADA access sidewalk to a new entrance.
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 May 14, 2019 and May 29, 2019 at which time the public was invited to speak on the application.
5. The Town of Victor Code Enforcement Officer reviewed the application and provided comments in a memo dated April 15, 2019.
6. Labella Associates reviewed the application for architectural review and in a letter dated April 29, 2019 indicated that while viewing this application independently, it appears to be generally compliant with the standards, however, this tenant space is only a piece of the entire building/plaza and this improvement is not consistent with the colors and texture of the remaining building and is a general downgrade from the existing features and materials provided on the original façade.
7. Labella Associates reviewed the site plan and in a letter dated May 8, 2019 offered comments relative to non-architectural components of the site plan.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 14, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project La-Z-Boy Home Furnishings and Home Décor, 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 MJD Furniture III, LLC, 840 New Loudon Road, Latham, NY, drawn by Poggemeyer Design Group, Inc., Sheets C-1.1, A-1.1, A-2.0, A-2.1, and Sign Rendering, received by the Planning Board April 9, 2019, Planning Board Application No. 15-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 May 29, 2019 from Labella Associates regarding architectural review be addressed including the height of the stone pillars be increased and for the existing architecture on site regarding the hip roofs.
3. That comment in a letter dated May 8, 2019 from Labella Associates regarding the site plan be addressed.
4. That comments dated April 15, 2019 from Al Benedict, Code Enforcement Officer, be addressed.
5. That the applicant adhere to Zoning Board approvals related to the proposed signage and size of the signage, and that a note be included on the site plan describing the variances received related to signage that has been approved by the Zoning Board.

**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.

This resolution was put to a vote with following results:

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

Rich Seiter                      Aye

Motion passed 4 in favor, 0 opposed, 1 absent

**TABLED FROM MARCH 26, 2019 PUBLIC HEARING REMAINS OPEN**

**PIPER MEADOWS SUBDIVISION**

1-PS-2019

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).

Rich Tiede from Marathon Engineering and Scott Morrell

Mr. Tiede – From a design standpoint not much of anything has changed in the meantime. We are back here to keep the process moving. Hoping to get the public hearing closed so we can move on and get other things going in the process. If there is any questions on any of the materials that have been provided we will be happy to answer those.

Chairman Logan – We are going to go thru our process. We want to review Part 2 environmental Assessment Form and Wes will lead us thru that. Once we have been able to discuss that, Jennifer Michniewicz is here from Clark Patterson Lee to discuss the traffic concerns the public had and her review of that. Once we have completed with that if there is any questions from the public I will entertain questions at that time. If not we can move ahead with closing the public hearing.

Ms. Zollo – We will have an opportunity to comment as well correct?

Chairman Logan – Of course. Thank you. Let us start with traffic.

Mr. Pettee – I do not know if maybe the applicant has any presentation they have from a traffic standpoint or do you prefer that our consultant work on what she found with her study.

Mr. Tiede – I think it would be preferable if your consultant reviews what was submitted

Ms. Michniewicz – The applicant at March Planning Board meeting the Board gave direction that they would like to see the impacts of the traffic even though the projected traffic volume did not necessarily meet the requirements under SEQ. The Planning Board felt that they wanted to do that. The applicant went ahead and did the traffic study. They did traffic counts at the Lane/High intersection, did a level of service analysis at that intersection as well as the 2 site access points onto High Street. There is a slightly diminished level of service at the Lane/High intersection. The background traffic has more of an impact then the volume of traffic coming out of these two access points. The applicant said that there is no mitigation necessary and I am comfortable with that conclusion as well. They also provided information as far as the midblock crossing that was discussed at the Planning Board meeting. Rather than have the sidewalk go all the way up to the Lane/High intersection having a midblock crossing so if there were students there they could access the High School.

Chairman Logan – Can you elaborate on that a bit? Instead of going all the way up to Lane?

Ms. Michniewicz – Yes, so the sidewalk had been shown to go north from the access point all the way up to Lane and High then have people come back down if they were going to go to the High School. Although the site plans do not show a crossing from the subdivision across High Street at the access points, it was discussed at the last Planning Board meeting so it was investigated in the traffic analysis. Within there they provide recommendations on the midblock crossing as far as signing and stripping. Those are consistent with what would be required.

Chairman Logan – Is your conclusion that the crossing at Lane is not necessary or do you agree it is necessary to get to the school on Lane Road?

Ms. Michniewicz – I think that the likelihood that if somebody wanted to get to the High School from the subdivisions, of them going all the way up to Lane Road, is not as likely as if they were going to go across High Street from the subdivisions. If they are going to be going from the subdivisions it is a good idea to provide them with a safe means to do so. Providing the signage and the stripping that is the appropriate way to do it.

Chairman Logan – At each driveway?

Mr. Tiede – Yes that would then make two. We have a midblock crossing at the easterly or southerly one and the recommendation at the last Planning Board was to not have the one that goes up sidewalk to Lane at that intersection and to put a second midblock crossing in there. We are not opposed either way. That sidewalk up to Lane was put in at request of Town Staff.

Chairman Logan – I believe it was Parks & Rec was interested in having that connection specifically. Are you saying that if you have two midblock crossings, one at each driveway, I recall that you said that they connect the two with a sidewalk on the same side of the road?

Mr. Tiede –Correct. In that scenario there would be two midblock and we wouldn't run the second parallel sidewalk up to the Lane intersection.

Chairman Logan – Two midblock crossings...does that create too much busyness? Do people lose the pedestrians that way? We did discuss having, because of the traffic at certain times of the day, when students are trying to get to the schools in the morning that they would need to have something more visible than just striping. Even signs with pedestrian crossing doesn't necessarily have them stop like the electronic ones.

Ms. Michniewicz – The solar powered ones with the flashing would be it. They even have it where they only light up when you push the button. If you were going to have two crossings there, one at each, that would be a good idea. Right now the plans show one at the southern end. The traffic assessment looked at adding a second one up at Piper Meadows, more northerly.

Chairman Logan – If you put one at Piper Meadows and at Cassidy Court, you don't need the extra sidewalk up to the corner and the crossing at Lane. If that gives anybody an opportunity either go north or south depending on where they want to go. If they want to go to Lane Road bus garage entrance to the athletic fields they can go north. The Town does have plans to put a future sidewalk in on the south side of Lane Road to connect High Street to the school bus garage. They have already done that from the east.

Ms. Zollo – We already made our comments last time. It just is always troubling to the residents to hear that regardless of how many homes, apartments, stores that it is never going to impact traffic. It is just difficult.

Mr. Seiter – I agree with Heather. Just driving around the traffic as it is, is already a problem. Adding 40 homes here and 30 homes there, it defies belief that it is never a problem. Certainly when it accumulates project after project.

Chairman Logan – The Town just spent a lot of money upgrading High Street to accommodate future traffic troubles. I am pretty comfortable to say that they would not have designed it to just meet today's traffic and I know that LaBella was heavily involved in that as well. Jennifer has been evaluating the road and the traffic.

Ms. Zollo – I understand and there is a formula and they have their little booklet with their numbers. It is just frustrating to the residents to always hear that the impact is never significant.

Mr. Gallina – I certainly appreciate and understand the fact that I don't think anybody is saying that there is no impact but again it doesn't rise to materiality of what the standards indicate. Which is why we do the computations. I understand that there is certainly more traffic on High Street and to your point though, some of the infrastructure has been built to accommodate not only some modest growth on Lane Road itself but in some of the surrounding areas. Can't argue with the analysis. You can but the criteria dictate the analysis. I am comfortable that we have done the due diligence.

Mr. Pettee – We can move on to SEQR if you would like.

Chairman Logan – We will still give the public a chance to comment on traffic at the end of this conversation.

Mr. Pettee – I am handing out a DRAFT of Part 2 of the EAF. The applicant submitted Part 1 of the Long EAF. Part 2 is designed to help the lead agency, in this case, the Town of Victor Planning Board, inventory all potential resources that could be affected by a proposed project or in this case, the proposed subdivision, to recognize that the lead agencies reviewers are not necessarily environmental professional. The questions here are designed to walk a reviewer thru the assessment process by providing a series of questions that could be answered using the information found within Part 1 of the EAF.

To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

We can touch upon several of these questions and get into detail. By no means is this just my recommendation, I am looking at this point for your feedback as a Planning Board so that when we come to you the next time we would have a finalized Part 2 and even a Draft Part 3. For potential consideration and action on SEQR.

#1 Impact on Land, Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. The answer to this question is yes. All of the sub questions I have answered as no or small impact may occur. The applicant did provide an inventory of existing site resources for the Piper Meadows subdivision. Information on soils, wetlands and endangered species. The proposed action may involve construction on land where depth to water table is less than 3 feet.

The proposed action may involve construction on slopes of 15% or greater. Construction will be on slopes less than 15%. The development seems to be away from those steeper slopes.

The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. The bedrock is noted in the soils information to be the depth of greater than 80" we are well outside of that threshold.

The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. No removal of material based on information presented to us.

Ms. Zollo – Will there be movement of that kind of volume of material?

Mr. Tiede – There will be cut and fill. We haven't gotten to the level of engineering process to know those exact numbers. There will be some level of earth work that will incur to make the project work.

Ms. Zollo – When you have that information I would like to know what the number is. *OK*



Mr. Pettee – It has been a couple months since you submitted the long EAF and I used that as a basis to answer some of these questions. Has there been any changes in potential plans where you would be removing earth offsite?

Mr. Tiede – We have no plans to remove anything from the site. There are times when there is excess topsoil but I believe we are going to be able to use that onsite.

Mr. Pettee – Too continue..

The proposed action may involve construction that continues for more than one year or in multiple phases. They did indicate there will be two phases to this project. No or small impact may occur.

The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal. We have no or small impact.

The proposed action may or is be located within a coastal erosion hazard area. No impact.

#### #2 Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site. The answer is No.

#### #3 Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (streams, rivers, ponds or lakes) Yes, we do see some impacts to surface waters. They are creating a new water body with detention and retention of stormwater. There might be periods of time where there is water accumulation in those areas.

The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. No

The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. No, there does look like there will be some disturbance to the wetland, they need to bore underneath the wetland to provide for sanitary sewer connection or somehow cross that wetland temporarily.

May be some disturbance. The discharge points for those two ponds appears to be in somewhat close proximity. A class C stream.

The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.

The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.

The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).

The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. You have potential for soil erosion we have accommodated for that with various engineering principals. The grading erosion control plan.

The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. No

The proposed action may involve the application of pesticides or herbicides in or around any water body. Generally this question is asking about any commercial pesticide application or herbicide, however in residential settings like this the guide book does indicate that is a no or small impact.

The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. No

Ms. Zollo - On (h) it mentioned erosion. One of our consultants did say that there are portions of the site where the soil is highly erodible. Am I correct?

Mr. Pettee – I do not recall right off the top of my head but there probably is some information in our file.

Ms. Zollo – I may have read that on the Conservation Board comments or County comments.

Mr. Pettee – What I am going to do is add a note and look into that and get a definitive response for the Board at the next meeting and be able to address that question.

Mr. Gallina – We have the letter from the NYS Environmental Conservation and there is several items that they recommend should be addressed, would it be possible under other impacts we can somehow note the issues raised by Environmental Conservation would be addressed.

Mr. Pettee – Absolutely. These are good comments.

Mr. Gallina - Without evaluating some of those points I don't think we can declare no or small impact.

Mr. Pettee - I will look into that one as well.

#### #4 Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. No

#### #5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.  
No

#### #6 Impacts on Air

The proposed action may include a state regulated air emission source. No

#### # 7 Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. Yes. They are going to be doing some excavation and some removal of some trees.

The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. There is a letter from US Department of the Interior Fish and Wildlife Service and there is one endangered species on this list. It is the Northern Long Eared Bat.

Chairman Logan – There is restrictions on when you can take trees, otherwise they are dormant over the winter months. Those are the times you can remove trees bigger than 3". The impacts

would be if they attempted to or wanted to take trees outside of that window which is typically April to end of October.

Mr. Pettee – What we can do is when we provide our reason to elaboration for these answers we can help spell that out.

The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government. No

The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. No

The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government. No.

The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. No

The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. No.

The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. No.

The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. No.

Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. No

**#8 Impact on Agricultural Resources**

The proposed action may impact agricultural resources. No

**#9 Impact on Aesthetic Resources**

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. No

#10 Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource.

No. There are no resources that we were able to locate. I used a State Historical Preservation Office system and there were none identified.

#11 Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. No.

#12 Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area. No

#13 Impact on Transportation

The proposed action may result in a change to existing transportation systems. Yes. I wanted you guys to have the opportunity to hear what was said about traffic tonight.

Chairman Logan - I would think based on the discussions we have had on for pedestrians alone that we would say yes, or maybe no or minimal impact on. Clearly it is a busy road and anything we do to add pedestrians to the system would think needs to be dealt with in the appropriate manner which we are doing by putting crosswalks in. That actually will reduce the traffic speed. Will people ignore the flashing lights?

Ms. Michniewicz – I do not think it is technically considered traffic calming. As long as people are using them in the correct way, especially if you have the flashing and there actually are pedestrians there.

Mr. Pettee – Yes there is going to be a change.

Projected traffic increase may exceed capacity of existing road network. No

The proposed action may result in the construction of paved parking area for 500 or more vehicles. No.

The proposed action will degrade existing transit access. No

The proposed action will degrade existing pedestrian or bicycle accommodations. We are actually providing additional accommodations with the project. Does that mean if it went thru without that it would degrade it?

Mr. Pettee – We are not degrading anything in that regard.

The proposed action may alter the present pattern of movement of people or goods. Let's talk about other impacts. I heard already that there is a concern about a cumulative effect of development happening within the Town that is a concern. Traffic seems to be a problem at various times of the day and certain locations in the Town. Do we want to say cumulative impact?

Chairman Logan – I was going to suggest something like that. Adds to the local traffic volume. Jennifer has stated that it is not significant.

Mr. Pettee – Maybe what I will do is here for your consideration. You can think about it over the next week or two. Other Impacts I will talk about cumulative impacts and what concerns at this point. If you want to add to this portion of the EAF, email Kim or Lisa or me directly and we can bring that back to the Board at the next meeting. Moving on.

#### #14 Impact on Energy

The proposed action may cause an increase in the use of any form of energy. Yes. All of the sub questions we have indicated no. There will not be any upgrades or new energy sub stations. No extension of an energy transmission or supply system.

#### #15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. At least during construction there will be an increase in noise. At that alone I have checked yes.

The proposed action may produce sound above noise levels established by local regulation. No.

The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. Have you have any blasting going on with this project? *NO*

The proposed action may result in routine odors for more than one hour per day. No

The proposed action may result in light shining onto adjoining properties. No.

The proposed action may result in lighting creating sky-glow brighter than existing area conditions. No.

#16 Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. No

#17 Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. No

#18 Consistency with Community Character

The proposed project is inconsistent with the existing community character. No

Chairman Logan – Wes, you will take this back and complete the document based on the comments you have heard. We will finalize this next time and get into Part 3?

Mr. Pettee – Yes Part 3. I would anticipate next time that we will have this part finalized but if there is something that really comes up that you don't like we can do that at the next meeting. We want to have a Part 3 ready for you to consider. This is really important. It is taking an in depth look at the environmental aspects of this project. This is providing this evidence that the Planning Board taking a hard look at these issues.

Ms. Zollo – There is no question in here on the impact to the sewer system? There is (B) in the community section.

Mr. Pettee – There is something about it. There is a question about community infrastructure. Do you have a concern about the sewer capacity?

Ms. Zollo – Is this one that is going to go to a pump station where we already have existing issues?

Mr. Pettee – No. Ultimately the sewage for this project will end up in the Villages waste water treatment plant, am I correct?

Mr. Gallina – Wes, I think it might be 17 (E).

Mr. Pettee – That is the one. The proposed action may cause a change in the density of development that is not supportive of existing infrastructure or is distant from existing infrastructure. The pumped station that require improvement now are away from this project and it would not transmit any sewage thru those pump stations.

Mr. Logan – Are they upstream of this project? Or downstream?

Mr. Pettee – They are not even connected it is a different system. We have received some correspondence back from the Village.

Chairman Logan – This public hearing is still open so if there is anyone that would like to address the Board or the applicant?

Jean Bolton of 342 Fishers Run

Ms. Bolton – I heard in #4 you said that there would be no impact to the groundwater. The groundwater was two and half to three feet below so that was good. Also that there was not going to be anything to impact that. What about the chemicals that will be used in the lawns to control insects and weeds? That should be of concerned to the groundwater pollution level.

Chairman Logan – Wes, there was a discussion or item on that. Section 4 is what she was referring too. The proposed action (G) may involve commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.

Ms. Bolton – Groundwater in general.

Chairman Logan – I was looking at what part of that she may have been referring too. Section 3, Impacts on Surface Water.



Mr. Pettee - Sub question (J) under #3 is the proposed action may involve the application of pesticides or herbicides in or around any water body.

Ms. Bolton – That was actually not it.

Mr. Pettee – I understand #4 is your concern, right? That is on here. There is nothing specific about the application of pesticides or herbicides underneath impact of groundwater.

Ms. Bolton – I know. There should be. It is not going to affect the potable water that is all going to be piped in. It is going to affect the groundwater. Which means that if you did it without using pesticides or herbicides, down the road, on the lawns or around the buildings that would be good. If you do you use pesticides or herbicides it will affect the groundwater.

Chairman Logan – The way that the process is created is that they put that particular concern under Impacts on Surface Water, which as you know, goes into the ground and becomes a effect on the ground water. That is the only way we can address that item is to go to where they ask that specific question.

Ms. Bolton – I think that you should say yes there is an impact there.

Chairman Logan – The groundwater? Due to the private use of pesticides and herbicides.

Mr. Pettee - On the NYS Department of Environmental Conservation website they have a guidance book and question #4... The proposed action may result in new or additional use of groundwater or may have the potential to introduce containments to ground water or an aquafer. This question asks the reviewing agency to evaluate the potential impacts on the use of and contamination of groundwater resources. Groundwater is an important natural resource used by industrial, commercial, agricultural and residential uses for manufacturing, irrigation and drinking water purposes. About one quarter of NY resident's rely on groundwater as a source a potable water. Water is not an inexhaustible resource and proposed actions need to be evaluated for the potential impact on both the quantity and quality of groundwater source they may use or affect. Once the groundwater supply is exhausted or contaminated it is very expensive and sometimes impossible to replace.

To begin its evaluation the reviewing agency should ask ...Does the proposed action include any of the following; excavation, mining or dredging during or after construction. A new or additional demand for water, a public or private potable water source that will be added or impacted by the proposed projects, generating any liquid waste including but not limited to

waste water. Bulk storage of more than 1,100 gallons of petroleum or chemical products, use of pesticide or herbicides, insecticides during or after construction of a commercial, industrial or recreational use. Commercial generation, treatment or disposal of hazardous waste, if the answer is no to all of these questions than check no and move on to question 5. If the answer is yes to any of these questions than check yes and answer sub question a-h.

How would you like to answer question 4?

Chairman Logan – We are not affecting a potable water source as far as I know unless there are wells along Lane Road. If the tendency for the water is to go to anyone’s well in the vicinity we will have to say yes. I don’t see that. They are all public water supply there. It is not a Town aquifer or water source.

Mr. Pettee – I have put up on the screen the workbook I am reading from. I am not seeing where any of these examples really apply to this project. I understand the concern. Yes if you put something on the ground that is liquid or solid form it has the ability to percolate into the ground and contaminate.

Chairman Logan – But they are not commercial or industrial or recreational uses. It is residential and does not apply in this case.

Mr. Pettee – As a Planning Board are we comfortable answering no or check yes.

Chairman Logan – I have a hard time justifying saying yes. I understand the concern and I understand that people use fertilizers and pesticides and chemicals in general on lawns. Unless we have a Town wide Code against using it. It happens anywhere. If it were a golf course and they used all kinds of chemical then that would be a commercial application. If it were a park or recreation then they used chemical for that that is another issue.

Mr. Pettee – Another thing that SEQR is being used for, let’s say some lawn pesticide application, is this something that is going to rise to the level of issuing a pos dec. where we need to perform environmental impact statement on the application of residential lawn chemicals.

Mr. Gallina – I don’t believe so.

Mr. Pettee – There is no question that yes there are adverse impacts to placing these chemicals on your lawns. How in depth does the Planning Board get in studying that?

Mr. Gallina –It has not come up in any residential development that we have talked about in the last 8 years. I don't know why this would be precedence setting.

Chairman Logan – I agree with that and stick with what we have. If everyone was relying on wells in the neighborhood that is another conversation. This is all publicly supplied water and publicly treated sewer. We don't have leach fields or water supply. We don't have in ground oil tanks for heating supply I think it is electric or natural gas out there. I do not believe residence are allowed to have buried oil tanks it has to be inside a basement. Anyone else that has a question?

Dave Schond at 846 High Street.

Mr. Schond – I own the property north of the development. One thing is I have talked with a Jeff last week about the notion of the demarcation of the two properties. We have asked for some sort of fencing or screening to be put in there. Last week I had someone come out and check my woodlot. Most of my trees along that hedgerow that Piper Meadows was planning on using is going to be dead. It is all Ash. It is not going to be a very viable screen or demarcation line. We are looking at something along the lines that you see every Town Park has some sort of fencing, chain link fence, or something that separates it from the local surroundings. We are looking for that kind of thing. If they are planning on using the green space at the back of the lot for trails and such, it runs into my lot so now is the Town going to cover the liability of everyone that trespasses out of that development or do we have to cover it. We have some serious concerns about that. From Wes readings, what is considered a wetland on this development? We were talking about an increase or decrease of 10% of what the surface area due to the development for runoff. If you brought together the roads and all sq. footage of looking down it seems like it is greater than 10%. I am wondering how that is no or small impact also the aesthetic change. I have a neighbor that is basically 40 acres of wood lot and field and we are going to throw in 40 houses and I think that is a pretty big aesthetic leap plus the two roads and two ponds.

Chairman Logan – That may have been related to parklands and public spaces.

Mr. Schond – I think if you ask any of the thousands of people that drive by there daily they will see a change.

Chairman Logan – Aesthetic resources is #9 and we had no impact. Land use proposed action obviously different from or in sharp contrast to current land use patterns and the proposed project in a scenic or aesthetic resource. It is visible from an officially designated federal, state or local

scenic or aesthetic resource might be a State Park or a Town Park. Proposed action (B) may result in an obstruction or elimination or significant screening of one or more officially designated scenic views which we don't have, the proposed action (C) may be visible from publicly accessible vantage points seasonally either screened by summer foliage but visible during other seasons or year round. There is no publicly accessible vantage point in the vicinity of your property or this parcel.

Mr. Schond – So it has to be officially listed.

Chairman Logan – That is what they are getting at.

Mr. Schond – The notion where the water table is less than two to three feet. I question that only in the spring time. I have actually seen our artesian wells form near the property line. That table is really shallow there.

Chairman Logan – Is it entire of the average of the surface or is it anywhere?

Mr. Pettee – Depends on the soil classification and I have been using the custom soil resource report that the applicant provided. Where the development is occurring depth to the water table is indicated to be about 18” to 36” and that is a range for the majority of the area where the proposed development is going to occur. We have 18” to 36” is the depth to the water table. That can probably vary depending on seasons.

Mr. Schond – It may but then they don't generally call it a water table then. That is where the water is sitting under the soil right. You start moving the land around for regrading and things it may come into a quite a large impact. One last shot at this pesticide thing. What is commercial pesticide? If I call Green Lawn aren't they a commercial pesticide company?

Mr. Pettee – We were not getting at the brand or the distributor.

Mr. Schond – I am not either. You are calling someone who it's their profession to come in and commercially apply pesticide to your lawn. Just because it is your house I don't see the difference. When you are talking about a golf course that is an industrial application. You should have percentages. Do you know how many people how much pesticide each lawn is going to apply? We have 40 lawns, you should know about how much pesticide is entering the soil. We have a water table and high clay soil and there will be tremendous runoff no matter where you stick it. Whether it is in my property.

Mr. Pettee – What is going to your property?

Mr. Schond – That creek runs right into the back side of my property. I think I have stated that a number of occasions at this point. Plus I have another runoff that comes from the thruway area. Right now I have one or two neighbors that apply it and now all of sudden I am going to have 40 neighbors applying pesticides, washing their cars. We have two little ponds that are going to settle and how are you going cure the contamination that is going to be accrued from all these new houses. I think it is a problem that you are only thinking of it as potable water and you have already talked about the wildlife there. There is tremendous amount of wild life in this area. The all count on those streams and creeks to be of some quality that they can drink.

Mr. Pettee – Your first concern was wetlands and you were looking for a graphic that showed wetlands.

Mr. Schond – I have heard wetlands come up a couple of times. From my own property I have talked with the DEC t60 see what part of my land is wetlands.

Mr. Pettee – Here is a map from the National Wetlands Inventory. What you see here is not a delineated wetland but generally shows what is to be a wetland based on some aerial imagery. So there is this stream that comes across High Street, that is a wetland, there is small wetland there. There are two green areas here and a surface body here and one over her. That is from the National Wetland Inventory but that is not a delineated wetland. I think there might be in this report that there was a delineation done. The applicant did have someone go out and delineate the wetland. Wetland Delineation Map Piper Meadows. It looks like it generally follows the stream corridor.

Mr. Schond – Right down in here is my property.

Mr. Pettee – Understood. This long linear one.

Mr. Schond – Depending on how the grading goes whether they can change the surface flow from the back of those houses may come into the back of my yard.

Kristen Moore of 7133 Marshal Trail

Ms. Moore – I just wanted to touch back on the traffic study. Was there any investigation on the speed limit reduction or making that a fixed light or a w-way stop?

Ms. Michniewicz – So they did look into whether they can make it a traffic signal and there are guidelines you have to meet in order to put a signal in. This would not rise to those levels. It would remain a 4-way stop. As far as speed reductions at the last Planning Board meeting in March we talked about that and in order for a speed reduction to take place the Town would have to petition the State and we also looked into the idea of putting in a school speed zone and that would be just in the vicinity of the school. I believe it is only for 1200 feet. I may have the numbers off a little bit but it is only for a short distance so we couldn't put a school speed zone for the entire length. Again that would have to be something the Town would petition the State to do.

Ms. Moore – Is the Town proposing that?

Chairman Logan – Not that I know of. We could make a request of the Town Board depending on the outcome of this. One way to justify it or at least make the application supporting documentation might be that now we are putting in mid-block crossings for students who would be traveling to school which is right across the road behind the adjacent parcels.

Ms. Michniewicz – There are several things that have to go into the petition to the State so you are going to have to do a speed study and if the speeds on the road are close to the speed limit DOT generally does not want to reduce the speeds. If the speeds are far less than the speed limit then they would probably agree to lower the speed. There are other requirements in there as well.

Chairman Logan – That is confusing to me. I would think that if the speed was high enough that it would be considered unwelcome to people walking along or trying to cross the street that they would want to lower it down. If it was already going slow it was either too much traffic or the road is configured in such a way that they can't go any faster.

Ms. Michniewicz – The justification is that the roadway is designed for a certain speed and people are going to drive at the speed that they feel comfortable. If you lower the speed limit and it feels like a road that you should be driving 40/45 mph on and you lower it down to 30 you are just going to have a lot of people speeding because it feels like you should be able to travel at that speed. That is why they use the 85% speed that is out there for their justification. There are other factors that go in too it. We looked at it for the CR-9 to lower the speed limit from the

Village line up to the Lynaugh intersection and it is quite intense. I think lowering the speed limit overall would be a better option than putting a school zone.

Chairman Logan – That is what I was thinking if you go from the Lane Road intersection back to the school 35 mph instead of 40 mph. If you go in the Village it is 25 now.

Kathy Boughton of 833 High Street

Ms. Boughton – As people have been talking I have been writing more and more. I do not think we have the right to deny people to build on their property. I would have thought that they would have held on to their property longer than they did. I feel betrayed that they did not do that. One question is, is there a walking path that goes between the two sections. I was concerned about kids going back onto High Street to get over to see their friends. Someone just said about the speed limit down by the school. There are no signs posted anywhere by the school. Coming from Lane Road or coming from 96 that tell you what the speed limit is. Except on the curve it says 30. That might be something we could look into as far as posting a sign.

Chairman Logan – The trail way. Look at the northerly pond. The plan was to have a pathway down and cutting left over the top of that particular pond and tying in to other parts of the property. I think it connects with the cul-de-sac.

Ms. Boughton – My concern is kids going to have friends in one or other places and for them to go back onto High Street with their bikes makes no sense. I was wondering when the traffic study was done? Was it done on May 21 when they were counting the cars? *Yes* Good day. Election Day, carnival down at school. Something was done on the 21<sup>st</sup>.

Ms. Michniewicz – According to the report it was Tuesday May 23 from 6:30 -9:30 am and 2:00- 5:00 at night.

Ms. Zollo - Tuesday was the 21<sup>st</sup> and the 23<sup>rd</sup> was Thursday before the holiday weekend.

Ms. Boughton – They were there on the 21<sup>st</sup>.

Chairman Logan – The counting tubes?

Ms. Boughton – No it was a person with a clicker counting. Somebody addressed the fact of a traffic light on the corner there. Absolutely not. They will run that light like crazy. They run the stop signs now. Then there would be no stop from 96 to 96. High Street would then become

a freeway. People would run that light. I have been there 44 years. At time there was only Stop signs on Lane Road and nothing on High Street. I was against a 4-way stop but it is the best thing they have ever put in. A traffic light would be like two stop signs. You talked about cross walks at both entrances to the Piper development, what about Lane Road and High Street? Where the stop signs already are. Kids are walking all the way up High Street to Trillium Trail and beyond. It is hard for them to cross that stop sign even thou there are signs.

Chairman Logan – The Town has been talking about running sidewalks on the south side of Lane towards the school. I think there were plans for sidewalks along High Street all the way out to Eastview.

Ms. Boughton – There was at one point but I think they dropped that.

Chairman Logan – It was expensive. The grading was difficult.

Ms. Boughton – If at least the kids could cross the 4-way stop which should be easy for them to cross but it is not.

Chairman Logan – That would be a question for the Town Board. Not necessary for this applicant.

Ms. Michniewicz – The current site plan shows sidewalk from the Piper Meadows roadway on the west side heading north to Lane. At the last Planning Board meeting was there a discussion of instead of that putting it at Piper Meadows.

Chairman Logan – For both access roads.

Ms. Michniewicz – the southern access road show one on the current site plan. Adding a mid-block at Piper instead of at Lane. There needs to be some clear direction from the Planning Board and applicant on how to progress.

Mr. Gallina - The logic was I am not going to go north to cross over to come back down. I am just going to beeline across the street. Let's accommodate what the natural reaction would be which is to cross directly.

Ms. Boughton – that addresses the Piper Road people and kids. It doesn't address the kids walking now from school all the way up High Street.



Chairman Logan – Getting it stripped properly up there for people crossing. Shoulder to shoulder and not sidewalk to sidewalk. It would be a good conversation to have with the Town Board.

Ms. Boughton – As far as the traffic goes, I have mixed feelings on that compared to what my neighbors do. Lane Road is the only road that goes from Victor Egypt to 96. Once the Gullace project is built that will add more traffic to Lane Road. Something to think about.

Chairman Logan – Motion to close the public hearing Al Gallina, seconded by Rich Seiter.

Ms. Zollo – As long as we still get to make comments.

Chairman Logan – Comments from the Board.

Ms. Zollo – I was reading the applicant's responses and their statements about the clustered project. Under the restrictions they highlighted paragraph (B) but did not mention paragraph (A) which under restrictions states the following restrictions apply to clustered projects; permitted uses within the clustered development shall be the same as permitted in the Zoning district in which the property is located and while (B) says that the attached structures is at our discretion whether they can be attached structures or detached. I just wanted to make that part clear. Those things were not highlighted earlier. We also want to make sure that the number of homes in the project does not exceed what is allowable right now under the current Zoning. Another issue about the attorney's comments as well as the ZBA resolution. On several occasions they state that the Planning Board *adopted* the plan and October 24 what we did was accept the application as complete. Even Ernie our Chair prefaced his comments with "we are not approving anything" we are only saying that all of the pieces of the application are included and so we can deem it complete. I wanted that to be clear that we didn't *adopt* anything. Also, we have the NYS DEC comments about the stormwater management plan and I would like those things to be addressed. You can explain the discrepancies they point out as well as how this whole thing is going to effect the creek.

Chairman Logan – Would you like them to address that right now?

Ms. Zollo – Most of what I had said was what you had brought back to us. On several occasions your attorney said we had adopted this particular plan and in one of your response it had said there was a discussion and it was decided we would proceed with option #2. If you read he

minutes you actually brought forth the different options and then said we are proceeding with option #2. There wasn't really a discussion that was the one you decided to go forward with.

Mr. Pettee – LaBella Associates is in the process of reviewing some of the applicant's responses to our initial comments that we had made. LaBella we need to provide the Planning Board with an updated comment letter. We will get that to you in preparation for the next Planning Board meeting as well as work on some more Draft SEQR material for you to consider at the next meeting as well.

Chairman Logan – Next meeting we should be able to finish up with Part 2 SEQR and into Part 3. We are done and will move on to next application.

**BACOT CHICKEN COOP**

20-SP-2019

345 Fishers Road

Zoned Residential 2/LDD

Owner – Jenamarie & Mitchell Bacot

Applicant is requesting approval to build a chicken coop to house 15 chickens. They are in the Limited development District.

Jenamarie Bacot of 345 Fishers Road

Ms. Bacot – I am hard of hearing and having a difficult time understanding some are very soft spoken. I will try my best to understand what you are asking.

Chairman Logan – Could you tell us what you would like to do for everyone's sake.

Ms. Bacot – Basically, been a family desire to be a homestead. This year we purchased 15 chickens and hoping to build a chicken coop that you see displayed. It's a run and a coop in one. Are hoping to put it right in the middle of the backyard. The measurements that we did from the south side will be exactly 100 feet to meet your Code. From the west side it will 125 feet. From the north it will be 114 feet.

Chairman Bacot – The reason that you are here is because you are in a Limited Development District and you are also a Residential R1 district. You need to come before us because there are certain restrictions regarding offset to the property line. You have relatively narrow parcel

which you have to get the chicken coop exactly in the middle in order to create a 100 feet from either side. It looks like you have asked for 100 feet exactly on one corner.

Ms. Bacot – We have measured it several times and I asked Martin to come out to our property. There is a fence and a stake. I wanted the coop to be viewed by where we could actually see it from our sliding door. We have a sunroom but because of the 100 feet we have to shift it to behind a tree. I'm trying to push it as far back as I can so we can see it.

Chairman Logan – Are you going to be building it yourself or having a contractor to do it.

Ms. Bacot – Our instructions that we purchased are very detailed. It lays it all down and planning on following that.

Chairman Logan – One of the comments was a recommendation for you to have it surveyed to locate the corner of the chicken coop. I don't know how the rest of the Board feels about it but I have a hard time requiring a resident to spend that kind of money to have a survey done to locate the building. I was hoping that if you were having a contractor build it I could ask them to certify that it is offset from the property line rather than having an extra cost. I am looking for input from the Board whether there we could have the Code Enforcement Officer, maybe Marty, agree on where that fence is relative to the fence line and just measure off of that.

Kim Kinsella Project Coordinator for Planning Board

Ms. Kinsella – Did he go out there and measure?

Ms. Bacot – He didn't measure but told me where to measure from.

Ms. Kinsella – We can have him go back out there and use the wheel and measure and confirm her measurements.

Chairman Logan – That would be a fair way to allow us to be assured that is in the right place without having it having it instrument surveyed.

Ms. Bacot – I don't want to spend that kind of money so if it means moving the coop five feet, I think I will relent.

Chairman Logan – If you can get it off the fence line to a point where Marty is happy that it is properly offset. You have enough play about 25 feet of space to work with so if your exactly 100 feet you still have lots of room to be off by a foot or two. I don't think a foot or two is going to make a difference. Any comment from the public?

Mr. Gallina – I would agree. I don't think we need to be that precise with this. Im fine with having him go out. You indicated that you were potentially going to paint it.

Ms. Bacot – We at first were trying to do it under budget. My Aunt had some left over deck wood but it is looking like we are going to purchase all the wood from Home Depot and build it. It would be much easier to do it that way. Time frame we are on. I prefer to leave it natural. If there is issues with that.

Mr. Gallina – Depending on what type of wood you purchase you may want to stain it or preserve it.

Ms. Bacot – We would weather proof to help it last longer. Presuming we may buy pine.

Mr. Gallina – Pine is very soft so it will not last as long. My preference would be to go with some uniform color.

Ms. Bacot – Can I leave it natural with a protective coating is that acceptable.

Mr. Gallina – Yes. I was concerned when you said you were going to use scrap wood.

Ms. Bacot – That it would not look nice? I don't want that either.

Ms. Zollo – I concur with Al's comments that a clear stain will be fine. My other question would be about your backyard and how screened it is from your neighbors. It looks like you have a lot of trees.

Ms. Bacot – We don't have a lot of trees. If you see in the picture right behind the house there is a big maple and then there is a crab apple and everything behind it is open. The coop would basically be out in the open field right behind the crab apple tree. You would be able to see it on birds eye view.

Mr. Gallina – The property line is big.

Ms. Zollo – Will your neighbors be able to see it? Yes. Okay. From the Aerial view it looks very tree lined. That would be my only concern that your neighbors may or may not be comfortable with seeing the chicken coop.

Chairman Logan – Wes has Google Earth he will bring up on the screen.

Ms. Bacot – Oh that looks very nice. We do have trees lining around our property so there would be some camouflage or shade. Jim my neighbor to the side. He said his bedroom window would be looking at the coop. There are trees there.

Ms. Zollo – Your neighbor is fine with being able to view the chicken coop?

Ms. Bacot – He didn't voice his opinion just said that. We talked a little bit about a rooster. We don't have a rooster.

Ms. Zollo – That was my next question.

Ms. Bacot – We don't have rooster. He had a concern about that. If we did consider that we would talk to the neighbors first. I am presuming that he wouldn't want that. I have not talked to the neighbors on the other side to see what they thought of it. There is trees lining up as well.

Ms. Zollo – That was my only concern. And no rooster? *Yes*

Mr. Seiter – No objection to it.

Chairman Logan – What kind of chickens?

Ms. Bacot – We have a variety. They are a still young. I did not think it would be this much to it.

Chairman Logan – Motion to close the public hearing and proceed with Marty come out and put a stake where it should be. We do not need a survey.

#### RESOLUTION

Motion made by Al Gallina, seconded by Heather Zollo.

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

1. A site plan application was received on April 30, 2019 by the Secretary of the Planning Board for a Site Plan entitled Bacot Chicken Coop.
2. It is the intent of the applicant to construct a chicken coop to house 15 chickens. The parcel is located in a Limited Development District.
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 May 29, 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. The Building Department reviewed the application on May 14, 2019.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on May 29, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Bacot Chicken Coop will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Jenamarie & Mitchel Bacot, 345 Fishers Road, Pittsford, New York, Site Plan entitled Bacot Chicken Coop, to construct a chicken coop to house 15 chickens at 345 Fishers Road, which is located in the Limited Development District, received by the Planning Board April 30, 2019, Planning Board Application No. 20-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.

**Ongoing conditions:**

1. That a building permit be obtained for the chicken coop prior to installation.
2. That the applicant request Code Enforcement Officer to verify location of the chicken coop corner to comply with the building code.

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

This resolution was put to a vote with the following results:

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

Approved 4 Ayes, 0 Opposed, 1 Abstained

There were no other discussions.

Motion was made by Rich Seiter seconded by Heather Zollo RESOLVED the meeting was adjourned at 9:17 PM

Lisa Boughton, Secretary

