

A regular meeting of the Town of Victor Planning Board was held on Tuesday, July 23, 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, Al Gallina, Rich Seiter

ABSENT: Joe Logan, Vice Chairman, Heather Zollo

OTHERS: Wes Pettee, Town Engineer; Ed Kahovec, Town Board Liaison; Lisa Boughton, Secretary; Lee Wagner, David Nankin, Peter George, Fred Rainaldi, Barb Snyder, George Snyder, James Cretekos, Brian Lorenz, Jerry Goldman, Kyle Seism, Brett Beachner, Jared Lusk, Todd Marshall, Amanda Thyn, Massimo Amadio, Will and Janet Gallagher, Kevin Day, Thomas Rodak, Richard Dumpesth, Dave DiRadto, Margueite Peters, Matt Tomlinson, Paul DiDuro, Kim Gerard, Scott Harter

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

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

### **APPROVAL OF MINUTES**

June 25, 2019 minutes

July 09, 2019 minutes

July 23, 2019 Minutes

### **CORRESPONDENCE**

- Steve Joseph Hurley re: Song Hill Winery – Tasting Room
- Michelle Amadio re: Horsepower Motorworks
- Resident petition re: Horsepower Motorworks

### **BOARDS & COMMITTEE UPDATES**

Councilman Kahovec to report from the Town Board

Councilman Kahovec – A couple of things came out yesterday. We had Town Board meeting and only scheduled one in July and one in August. It was a rather lengthy meeting but there are several things we would like to make you aware of. We extended a couple of different contracts. Zaretsky Associates for Landscape Consulting, we extended their contract and also with Harris Beach. Additionally, there was a public hearing at 7 o'clock for Local Law 1-215, which is established 7200 Rawson Road, a PDD. That was repealed base on the fact that we had the Sunset clause because the developer had not met the requirements to get it passed by. We invoked the Sunset clause and it is reverting back to its former Light Industrial. One more thing, we set a public hearing to amend the Parks and Rec Master Plan and amend the Town of Victor Comp Plan. The Town Board ask me to talk on their behalf and to communicate with the Planning Board. Normally when we talk about the Comp Plan you look at it and say if it makes sense. Everything we are doing for the Rec is just all clerical in nature. The Comp Plan references the 2007 Parks and Recreation Plan. What we are changing it to is now 2019 Parks and Rec Master Plan. There was a lot of discussion about that. The Town Board felt that from a Planning Board perspective it is optional and since this is only clerical in nature that it wasn't worth your time or effort to spend a lot of time on a very large document and go thru it. We are not going to send it you to have the changes for the Comp Plan that are all strictly clerical. To save you guys a little bit of time since you have a lot on your agenda, again the changes are all clerical just substitute's references from one plan to the other and it was an optional thing.

Planning Board reported by Lisa Boughton

- August 13th meeting
  - Public Hearing
    - Song Hill Winery – Festival Extension located at 521 County Road 9, requesting a renewal of the application to hold festivals up to four (4) times per year to direct market their agricultural product to the public.
    - Kettle Ridge farm –Pole Barn located at 515 Log Cabin Road, is requesting approval to construct a 2,848 sf pole barn with a kitchen and restroom to be used in the production and sale of maple syrup and related maple products.
    - Historic High Point Retail, Phase 3 Modification located at 235-237 High Street, is requesting approval for site plan modifications to construct two concrete patios and fencing around the 10,000 sf building currently under construction.
    - Valentown Plaza Lot 2 & 3 – Parking Expansion located at 7724 State Route 96, is requesting approval for construction of additional parking area and associated utilities at the properties at 7724 Pittsford-Victor Road and 200 High Street, with a net increase of 33 parking spaces.
    - New York Beer Project located at 7724 State Route 96, is requesting approval for site plan modifications in the addition of an outdoor seasonal fenced-in sidewalk patio along the northwestern corner of existing

building, also include a seasonal roof patio seating area, a dumpster pad and enclosure. Applicant is requesting approval of a pergola and string lighting on the roof patio.

Chairman Santoro – As you have heard three of the things that were on tonight have been tabled and Surmotech was also tabled till August 27. If you are here for any of those projects come back next time.

### **PUBLIC HEARING**

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

#### **BELL ATALNTIC d/b/a VERIZON**

33-SP-19, 07-SU-19

90 Baker Road

Zoned – Residential 2

Applicant is requesting approval of a co-location of (6) panel antennas and (6) RRHs, related equipment inside existing masonry building at base of existing tower, a new generator and associated improvements.

Jared Lusk of Nixon Peabody

Mr. Lusk – Application is dated June 25, 2019 and is relatively a simple project. Verizon Wireless is seeking to co-locate (6) eight foot tall by one foot wide panel antennae's and (6) remote radio heads on the existing Baker Road tower at 160 foot antennae center line level. Installing the equipment in the adjacent masonry building and installing a new backup generator at the base of the tower in a new five by ten ground lease area. As set forth in our application this is an eligible facilities request pursuant to federal law. I have set forth the application and the need for the project as well. I think it relatively straight forward a co-location on the existing tower. There were a couple of questions raised by the Town Engineer and I provided you with some information tonight to respond to those questions. The question number one dealt with the structure modifications. The Town Engineer sought clarification regarding those modifications. Truth be told, Crown is the owner of the existing tower and they are going to make those modifications. They applied for a building permit to the Town, I provided the plans for Crowns modifications which is installing three steel rods basically at the base of the tower to add additional structural stability. They applied for a building permit and were told they could not get a building permit because they need to know who was going on the tower. We have applied for the approvals for our but they are going to complete the work and get their own building

permit for those modifications in advance of us doing our work. Just for clarification to the Town Engineer. Next was the generator, you asked for us to describe the generator. I provided to each one of you the generator information on the second to last page and the pink highlighted portion. It outlines and provides the DB level. It is a generator with a sound enclosure and so based on the testing it has an average DB level at 28. It was measured at several locations around the generator. An Average level of 65 and also provided you with a DB chart that shows you at 65 that noise is somewhere between normal conversation and at 60 DB a dishwasher and 70 is vacuum cleaner. It is tested weekly on Tuesday at 8 am. It will be somewhere between a dishwasher and a vacuum cleaner. Does that answer the questions for the Engineer regarding the sound?

Mr. Pettee – LaBella did issue a letter dated July 22, 2019 and comment number one about the structural modification, you have addressed that. In regard to the generator, you have also addressed that. You mentioned once a week on...

Mr. Lusk – It is tested for an hour at 8 am on a Tuesday to see that the generator runs a test. It is inside the sound enclosure off the road. It is a vacuum cleaner.

Chairman Santoro – Does it otherwise run unless it is needed?

Mr. Lusk – There will be many other generators on and operating in the Town if the generator is running at that facility.

Mr. Pettee – Thank you for that clarification. I appreciate it.

Mr. Lusk – Other than that eligible facility request which requires site plan approval for special use permit from this Board.

Chairman Santoro – Anyone from the public wish to address this? Is there a light on that tower?

Mr. Lusk – I do not know for sure.

Mr. Pettee – The application indicated it was a 195 foot tower. I don't believe that it is lite because anything over 200 has to be lite. Anything under 200 would have to be lit if it was near an airstrip and I am unaware of any airstrips in the area.

Chairman Santoro – There used to be alight out there someplace.

Mr. Lusk – I am not sure if it is not. If it doesn't have to be lit unless the FAA says it needs too.

Chairman Santoro – If no further comments I have a resolution for you.

### RESOLUTION

Motion made by Al Gallina, seconded by Rich Seiter.

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

1. A Site Plan and a Special Use application were received on June 25, 2019 by the Secretary of the Planning Board entitled Bell Atlantic d/b/a Verizon – 90 Baker Road.
2. Applicant is requesting approval of a co-location of (6) panel antennas and (6) RRHs, related equipment inside existing masonry building at base of existing tower, a new generator and associated 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.
4. The Planning Board held a public hearing on July 23, 2019 at which time the public was invited 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 application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On July 12, 2019, Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.
7. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
8. The proposed use conforms to all applicable regulations in the district which it is located.
9. The Codes Dept. reviewed the application on July 18, 2019 and stated that an annual report is required to be provided indicating that property maintenance is being conducted on the tower and that a building permit is required or the proposed ground work and antenna replacement.

10. LaBella Associates reviewed the application on July 22, 2019 and had comments.

NOW, THEREFORE BE IT RESOLVED that the application of Bell Atlantic Mobile systems of Allentown, Inc. d/b/a Verizon, 1275 John Street, Suite 100, Henrietta, New York, Site Plan entitled Bell Atlantic d/b/a Verizon located at 90 Baker Road, drawn by Costich Engineering, received by the Planning Board Secretary June 25, 2019, Planning Board Site Plan Application No. 33-SP-19 and Special Use Application No. 07-SU-19 BE APPROVED WITH THE FOLLOWING CONDITIONS:

- 1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
- 2. That a building permit be obtained before construction begins.
- 3. That LaBella Associates letter dated July 22, 2019 be addressed.

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

Approved 3Ayes, 0 Opposed, 2 Absent

Chairman Santoro – Two of our members are absent which is if anyone else coming up is looking for a resolution it has to be unanimous. If you have any doubts that it might not be you might want to come back to the next meeting.

**GLOW CITY**

30-SP-19

7920 Rae Blvd

Zoned – Light Industrial

Applicant is requesting a change of use to sell LED products on the internet and to use the building for shipping of products.

Brett Beachner owner of Glow City LLC and Kyle Seism

Mr. Beachner – Very new to this and started this business in a one bedroom apartment. Basically what we do is we buy product overseas and we sell it on Amazon and have been doing very well. Most of our products are all lights, lighting and also run things in the entertainment industry such as our flagship product our stick figure costume which we went viral on. We have been featured the view and different TV shows. Really cool business and in a nut shell we will be manufacturing overseas. Nothing gets manufactured at Glow City. Everything comes in and no hazardous materials and we do not stock carry any of that. Every couple of months we have one 18 wheeler load that goes into the loading dock that is already present at the building. Other than that it will be a UPS truck and maybe a FedEx truck on a daily basis.

Mr. Seism – We moved to Victor and we are not going to change the building in any way at this time. Would like to see if we can be approved to do what we do there.

Chairman Santoro – Anyone from the public any question or comment?

Mr. Gallina- The one question was about the storage of hazardous materials and you have answered that.

Chairman Santoro – Will you be changing the lighting or anything?

Mr. Beachner – No. Nothing is going to be changed at all. Would like to start working as the way it sits. We have ample parking. We only have five employees and we have room to hire more. I believe there is 16 spaces.

Chairman Santoro – Motion to close the public hearing on both applications. Motion to close the public hearing by Al Gallina, seconded by Rich Seiter.

## RESOLUTION

Motion made by Rich Seiter, seconded by Al Gallina.

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

1. A site plan application was received on June 17, 2019 by the Secretary of the Planning Board for a Site Plan entitled Blanding Frame Shop Addition.
2. It is the intent of the applicant to request a change of use to sell LED products on the internet and to use the building for shipping of products, whereas previously it was used

for manufacturing of electronic and optical instruments.

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 July 23, 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 Code Enforcement Officer reviewed the application on July 18, 2019 and stated the wall mounted tenant identification sign was code compliant.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on July 23, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Glow City, 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 Brett Beachner, Site Plan entitled Glow City, received by the Planning Board June 17, 2019, Planning Board Application No. 30-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 comments from Code Enforcement Officer, dated July 18, 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.

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

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

Approved 3 Ayes, 0 Opposed, 2 Absent

**SONG HILL WINERY – TASTING ROOM**

27-SP-19

521 County Road 9

Zoned – Residential 2/Ag. District 1

Owner – Connor Gallagher

Applicant is requesting approval to open a portion of the existing winery to be used as a public tasting room

Conor Gallagher at 521 County Road 9

Mr. Gallagher – We submitted an application to utilize the portion of the existing barn as a public tasting room for our products.

Chairman Santoro – You have been here before and are familiar with what you want to do. Is there anyone from the public that wishes to make comment? Motion to close the public hearing by Al Gallina, seconded by Rich Seiter.

**RESOLUTION**

Motion made by Rich Seiter, seconded by Al Gallina.

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

1. A site plan application was received on June 12, 2019 by the Secretary of the Planning Board for a Site Plan entitled Song Hill Winery – Tasting Room.
2. It is the intent of the applicant to open a portion of the existing winery to be used as a

public tasting room.

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 July 23, 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 application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On July 12, 2019 Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on July 23, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Song Hill Winery – Tasting Room, 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 Conor Gallagher, Site Plan entitled Song Hill Winery – Tasting Room, received by the Planning Board June 12, 2019, Planning Board Application No. 27-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 comments from Code Enforcement Officer, dated July 11, 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.

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

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

Approved 3 Ayes, 0 Opposed, 2 Absent

**SERITAGE FAÇADE MODIFICATION (Formerly Sears Building)** 26-SP-19

200 Eastview Mall Drive

Zoned – Commercial

Applicant is requesting approval for renovations to the former Sears building to re-tenant the existing retail space.

Chairman Santoro – We have already approved this subject this to some final tweaking of the design.

Brian Lorenz of WD Partners

Mr. Lorenz – At our last meeting you gave us the approval and had asked us to come back and visit the elevations. We had taken all of your comments into consideration and added some additional brick and lessened some of the green metal areas at the entrance and try to tone down and give you something that would blend in a little bit better with the mall itself. I believe we have represented that appropriately. I have brought the brick samples with me if you care to see them again. I have also brought the complementary metal. Basically what we would like to do is get your blessing and sign off on the elevations tonight so that we can move forward with the project. I am happy to answer any questions. We did add some additional landscaping. I think that was one of the other things we talked about. We did receive a letter today from your Architectural Consultant about 1 pm.

I believe what we have presented to you today complies with their direction. It seems to me the letter indicates giving Planning Board the purview on the renderings. Jerry Goldman is with me as well today in case you have any other questions.

Chairman Santoro – Any questions or comments?

Mr. Gallina – I think these are consistent with the feedback we provided the applicant and think much more consistent with the architecture of the building and I am comfortable.

Chairman Santoro - Motion to close the public hearing by Al Gallina, seconded by Rich Seiter.

### RESOLUTION

Motion made by Rich Seiter, seconded by Al Gallina.

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

1. A site plan application was received on May 29, 2019 by the Secretary of the Planning Board for a Site Plan entitled Seritage Façade Modification.
2. It is the intent of the applicant to renovate the former Sears building to re-tenant the existing retail space.
3. The applicant received site plan approval on July 9, 2019 with conditions.
4. Condition #4 stated that architectural renderings are subject to further Planning Board review pursuant to the comments made at the July 9, 2019 Planning Board meeting.

NOW, THEREFORE BE IT RESOLVED that the building design shall be consistent with the architectural details as shown on the building elevations, entitled Seritage Façade Modification, dated July 2019, as prepared by WD Partners and received by the Planning Board on July 17, 2019 BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That the comments in a letter dated July 23, 2019 from Architect Consultant be addressed.
2. That the Town's Code Enforcement Officer provides verification that proposed lighting depicted on the renderings and lighting plan is compliant with Chapter 131 (Lighting) of

the Victor Town 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	Aye
Joe Logan	Absent
Heather Zollo	Absent
Al Gallina	Aye
Rich Seiter	Aye

Approved 3 Ayes, 0 Opposed, 2 Absent

Chairman Santoro – I do have one question. Will these lights be adjustable as far as density is concerned? The outside lights over the field.

Mr. Lorenz – Yes they can be turned down and will have the ability but will not turn them up past what is allowed by the Town Code.

**VALENTOWN PLAZA LOT 2 AND 3-PARKING EXPANSION** 23-SP-19

**TABLED TILL AUGUST 13 MEETING**

7724 State Route 96

Zoned – Commercial

Applicant is requesting approval for construction of additional parking areas and associated utilities at the properties at 7724 Pittsford- Victor Road and 300 High Street, with a net increase of 33 parking spaces.

**NEW YORK BEER PROJECT MODIFICATION**

31-SP-19

**TABLED TILL AUGUST 13 MEETING**

7724 State Route 96

Zoned – Commercial

Applicant is requesting approval for site plan modifications in the addition of an outdoor seasonal fenced-in sidewalk patio along the northwestern corner of existing building, also

include a seasonal roof patio seating area, a dumpster pad and enclosure. Applicant is requesting approval of a pergola and string lighting on the roof patio.

**SURMOTECH – PARKING EXPANSION AND SHED**

28-SP-19

**TABLED TILL AUGUST 27 MEETING**

7676 Netlink Drive

Zoned – Lt Industrial

Owner – Surmotech, LLC

Applicant is requesting approval to expand their parking lot to the property line in front of their building, increase parking from 32 spaces to 61 spaces. Applicant is requesting to add a 16’ x 40’ shed in the southwest corner of the lot.

**ANGELO SUBDIVISION**

29-SP-19

1256 Brace Road

Zoned – Commercial/LI

Applicant is requesting approval to create two lots from one parcel.

Tom Rodak - Owner of O’Neill-Rodak Land Surveyors

Mr. Rodak – Was hired by the Dawson Law Firm on behalf of Edward Angelo. Looking for final approval of the minor subdivision tonight. Clearly the Angelo’s just want to separate their property that they own on both sides of Brace Road and sell off the parcel on the east side. At this time there is no construction proposed, no change in anything at this time. They just want to sell the parcel on the other side of the road. Would like to separate the one parcel into two lots.

Chairman Santoro - Anyone from the public have any questions or comments? It is just a subdivision and it is divided by the road already. Motion to close the public hearing by Rich Seiter, seconded by Al Gallina.

Mr. Rodak – I do have the mylar. Can I leave that with you guys for signatures? Yes I did leave space on there for the owner’s signatures and I will have them come in and sign.

RESOLUTION

Motion made by Al Gallina, seconded by Rich Seiter.

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on June 11, 2019 by the Secretary of the Planning Board for a Minor Subdivision entitled Angelo Subdivision.
2. It is the intent of the applicant is to create two lots from one parcel.
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 July 23, 2019 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. That pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on July 23, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Angelo Subdivision, 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 O'Neill-Rodak, Minor Subdivision entitled Angelo Subdivision, drawn by O'Neill-Rodak, dated June 10, 2019, received by the Planning Board June 11, 2019, Planning Board Application No. 01-MS-19 BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the minor subdivision 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 before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer’s office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments from Code Enforcement Officer dated June 22, 2019 be addressed.

**Conditions that are on-going standard conditions that must be adhered to:**

1. That the minor subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, Autocad 2002, or latest version, effective January 1, 2004 (per Town Board Resolution #193 of June 23, 2003).

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

Approved 3 Ayes, 0 Opposed, 2 Absent

**HORSEPOWER MOTORWORKS**

32-SP-19

1256 Brace Road

Zoned – Commercial/Light Industrial

Applicant is requesting approval to construct a 63,500 sf. building on 12.5+ acre parcel for a premier specialty restoration and service center, with climate controlled storage for classic and high performance vehicles.

Matt Tomlinson from Marathon Engineering

Mr. Tomlinson – Wanted to step thru what Boards we have been to and introduce the project and then can answer questions. As you mentioned 1256 Brace Road we are proposing a phase 1 building of approximately 42,000 sf and 63,500 as the total buildout. We are requesting several variances, some due to the use and some due to a desire to reduce the number of parking spaces that are constructed. This is a minimal turnover type facility and only 15 or so employees and is very low from a traffic standpoint. We do not want to overbuild that parking unless it is needed. We are proposing a variance to reduce the number of spaces as well as bank a significant number of spaces. The parcel land is located is right at the intersection of Brace Road and Route 96 totaling approximately 12 acres. There is wetlands and 100 year floodplain located on the site so as part of as our application material we did submit some calculations for the floodplain mitigation. We are proposing to avoid the wetland as far as disturbance. We did appear before this Board a couple months ago with a concept plan and received some feedback from that Board. Some of the changes we have made to the plan. We originally we had the driveway off of Brace Road towards the residential neighbors which are immediately to the south and one of the Boards feedback was moving the building a little further away, which we have done and slid further to the north and relocated the driveway access. We will have some construction thru this area as water and sanitary will both be connected up to dedicated facilities within the Brace Road right-of-way in that area. We have appeared before the County Planning Board and received a positive referral from them as well as we have been to the Zoning Board twice in the last month and have made some progress with that Board. In general that Board was favorably inclined with some of the additional information that we had submitted. However we were tabled at the last meeting as some members of the Board and the public wanted to hear from the Planning Board at the preliminary final level instead of just concept feedback to ensure that the Planning Board did not have significant concerns with the proposed planned that would potentially affect the variances. We do anticipate being tabled before you guys tonight in order to hopefully go back and get the Zoning Boards approval and come back to you for approval at the next meeting. We are in a little bit of a chicken and egg standpoint as what Board goes first but that is how we have envisioned it. I did see that Mr. Harter who is on the Zoning Board, as well as the Board, may have some questions for him or get a good feel for where the Zoning Board is at on this. In general from a site plan perspective I just wanted to touch on another item that will be reflected in the amended plans that we have received from comments from the Town Engineer as well as Code Enforcement and the Fire Marshal. Most of those are technical or clarifications that we have confidence that we can work thru with town staff without any significant changes to the plans. One item that was offered at the Zoning Board as far as sensitivity for the neighbors adding a berm where the existing tree line ends. Also, proposing a berm outside of the 100 year floodplain as we do not want to create

additional mitigation issues with the hundred year floodplain and then shifting some of the landscaping from the existing tree line or amending that to provide some additional screening. One final thing I wanted to touch on is that we did provide as noise study to the Zoning Board at their request. It was one of the additional pieces of information. We took many readings both here and at the existing site to get background information as well as that Horsepower existing site, which is near the intersection of Phillips Road and 251. One thing to note there is those readings we took were not with the dynamometer running. That is currently in an open bay at their existing facility and will be within a special room that reduces the sound within the facility at this location so in order to try to compare apples to apples we took different readings at different locations with similar separations to existing residences and the closest house as well as approximate to the roadway to get background information and noise during normal operating hours. I also wanted to note that the operating hours for this business are typically 9-5 Monday thru Friday with no weekend work and nothing typically after 5 o'clock. From a noise generations standpoint there would not be late nights or weekends. With that I would like to open it up to the Board or could answer questions.

Chairman Santoro – The public hearing is still opened. We just received the sound study ourselves this evening and we are waiting for the Zoning Board meeting minutes which we do not have either. I do not not know how much direction we can give you, plus we are short two members tonight. Before we do that. Scott, do you have anything you want to add.

Scott Harter of the Town of Victor Zoning Board

Mr. Harter – I am here tonight because this is sort of a unique variance application before our Board. I think in many cases we give variance applications that are typically Type 2 SEQR actions and this one when first proposed with 10.5 acres of disturbance was a Type 1 action. If you look at that variable plus some other items that are going on such as the floodplain and the wetlands. I understand that it has since been reduced in terms of disturbance to something less than 10 acres. Nevertheless, as I understand it our Board has to process SEQR as your Board does. We look at the same items as your Board does from more of a neighborhood perspective but as I mentioned to the applicant whether it is an environmental impact or a neighborhood impact it is an impact. I think Matt has done a good job in introducing the project and I think the Zoning Board in general feels ok with the project but we as a Board would like to know that the environmental aspects and the neighborhood aspects are well mitigated as part of this project. Some things that have come to our attention. We have only seen the general plans such as this so far. There is a southerly tree line along there and appears there is some new landscaping just north of it. It seems to us that southerly tree line can be preserved and offers a very nice buffer to the neighbors to the south in not only visual but also sound. I know that Matt has produced the sound study and we spoke with him about that and

how it was derived and I would invite your Board to take a look at it and see what you think as well. We think its ok. We do not think it really addressed the dynamometer, however, as Matt say the dynamometer for the new place is to be situated inside. I think we would like to know as a Board that the lighting is well mitigated that is dark sky compliant with relatively short fixtures so that the neighbors to the south and southwest are not receiving much if any glare. Also, the berm that would also offer some sound and light protection to the neighbors in the southwest. I understand Serenity House is over there and one of the comments that came to us from the people at Serenity House was that they wanted to keep it serene and I think that is another reason why I am here. This is a sensitive application before both the Planning Board and the Zoning Board. The applicant is asking us for variances and those variance translate into dimensions and those dimensions when approved are fixed dimensions. It seems to me what is driving the dimensions is location of the building which I suspect is being driven by the location of the wetland and the floodplain and the buffering that goes around it. I think that if everybody is solid on the plan that is being presented and if the Planning Board feels that it is not subject to change that is a position piece of information that the Zoning Board could work with to feel confident that the zoning variance granted are working both our Board and your Board. As I understand it we will have to do SEQR on this as an unlisted action. You are going to have to do SEQR as an unlisted action as the Planning Board. I would like us to be in sync and know that the public, Serenity House and the neighbors are well protected. The items that come to mind when I look at this application are and I think Matt is willing to comply with what the mitigation measures are. I think controlled lighting, buffering and hours of operation declared should be a condition. Things like that would give our Board comfort in knowing that the project has been well reviewed and well mitigated.

Chairman Santoro – Just for our information. What variances are they looking for?

Mr. Harter – I believe they are looking for a setback variance.

Mr. Tomlinson – Yes several. We are in the Route 96/251 Overlay District so we are required to have 80 feet to the front parking and we are proposing 36 feet. That is driven by the effort to move the building further away from the residential. 500 feet from a motor vehicle to a residential structure, we are less than that and 1000 feet to a residential zoning district from the facility and we are less than that. The final one is the number of parking spaces that I mentioned previously.

Chairman Santoro – Anyone from the public wish to speak or ask any questions?

Paul Diduro 6595 Bradhurst

Mr. DiDuro – I guess what we do not understand at our community is when we came to the previous meetings it was the Zoning Board and now it is the Town Board.

Chairman Santoro – Planning Board.

Mr. DiDuro – We are just surprised. It is not the actual facility we are worried about. I have a muscle car. I have other people in this room that have muscle cars. I go to auto shows. I have a very loud muscle car and I love my car. As other people in this room do. It is the people going there to get there work done, the people leaving and what they do at auto shows. I go to auto shows but the places we go they are not close to residential areas. They are in a place where when you leave and want to rev your engines, and believe me they do. When they go there to get work done they do. It is very very very loud. The Serenity House has been there I think 20 plus years and I am not really sure how the variance works. There is one thing they want to go from 1000 to 100 feet. Am I correct on that? That is a 90% reduction. Have any of you gone to car shows or know what a 454 big block, 4 barrel demon carburetor is.

Chairman Santoro – My next door neighbor had a street rod.

Mr. DiDuro – So you know. It is the action going to and leaving auto shows. On Brace Road when people come there and they leave the shows or shop after their car has been worked on believe me they are going to open up their engines. It is a perfect spot to do that. Having said that I don't feel it is right to the Serenity House, the neighbors and there is so much more to this than meets the eye. Would you want these in your backyards? I don't think so. I just don't think it is the right fit for Victor. It is crowded enough on Route 96. Lynaugh Road is one. This is going to create so much more problems not only for the neighbors but for everybody in Victor. I am specifically talking about auto shows. Having said that I am hoping this Board realizes that you really can't grant this. We would rather have a hotel go there or something else but not this. That is all I really have to say. Thank you.

Chairman Santoro – How many vehicles would you anticipate would be coming in and out every day?

Mr. Tomlinson – I apologize that the owner is not here but if I could touch briefly on a couple of those things. They turnover 2-4 cars a month. Finished product out the door. They get one to three visitors a day on a normal day. They have 15-17 employees. You are talking less than 25 trips in the morning. Less than 25 trips in the afternoon when they are leaving. It is an extremely low traffic generator. Especially considering the amount of traffic that a hotel, a 60,000 sf office building or

some of those other items that could fit on a 12 acre parcel here within this Zoning District. From an auto show standpoint I just wanted to mention they have two events per year. I believe both in September although I may have that date wrong. The auto show is run by the Rochester Landmark Society, an extremely high end classic cars. They are not muscle cars, hot rods that kind of thing. The core of his business. I believe 25% of his business is the muscle car variety and the rest are older 1930 Mercedes that he just one some awards for. Again, I can him explain that in more detail at the next meeting but we do not anticipate or propose to run multiple auto shows and that kind of thing. There is quite a bit of information in the Zoning meeting minutes relative to his clientele. A good portion of his vehicle are not driven to or from the shop they are trailered in. It is not a five guys come in every single day to pick up their cars because they are turning them out like that. This is a low turnover high quality and takes a long time. He has some vehicles in there for years before they are finished. It is a little bit different than what you would anticipate a typical performance vehicle type shop.

Kevin Day 6621 Bradhurst Street

Mr. Day – Very reputable company, very good proposal and I agree a lot with that Paul said. My two main concerns are not only the shows and the traffic leaving the shows and the revving of engines. It only takes one for a child to get in the way of that. That is one of my concerns. The other concern is the decibel level. Even with the deadening and I have not seen the report. At 80 decibel is my understanding and 80 decibels would be the noise level at the property line. At least that was my understanding from some of the other meetings. Actually the gentleman from Verizon kind of helped us with decibel examples and things like that but in my research a food blender is about 80 decibels and 85-90 is a riding lawn mower. The constant hum of that from the dyno at the property line could be rather significant to someone close to that property line. Just something to consider that is the overall impact. I do not know how often the dyno will be running. If his business is 25% hotrod and things like that than 25% of the time I would assume that the job entails running that piece of equipment. I am not an expert on that though. That is my two concerns. The noise level at the property line and the activity around the facility whether it is a car show or not when you get a new toy you are going to use it. That is our corn with the kids in the neighborhood. Thank you for listening.

Kim Gerard at 6587 Bradhurst Street

Ms. Gerard – To reiterate what most of all of us has said is that one of my greatest concerns is what the noise generated is going to come out of there, the traffic pattern and not to mention the loss of habitat for the wildlife that we have going on there now. I know that it is slated for commercial use

and we could be getting something else but this does not fit in to the serenity of the entire area. We are really all most residential in there and I feel that it will impact us greatly. If you go to their Facebook, which I did, I feel like that will give you a clear picture of what you're going to experience. They are mentioning the fact that they want to have two car shows and maybe more in the future. I was at the last meeting and they said they would cap it at two but in the future they would like to increase that. Some of the car shows on their Facebook page was very loud. I am greatly concerned that the fact that we are going lose the peaceful environment in there and it will create more of a traffic pattern. As it is it is a hazard to try to get onto 96. I am a parent and I drive my kids to school and I can sit here forever trying to get out and I think it will increase more of the traffic. I am greatly concerned and it's not so much what they are going to be doing in the building but the customer which you can't control. I think that will create a whole new element especially on the country road. I think the speed limit there is ridiculous. I think it is 50 and you will get cars that will go quicker than that. Considering there are homes on that main road I think the speed limit should be less. We have a huge wildlife population going on down there so for me I do not want to hit a deer. I go slowly on that road but I can tell you there are people speeding up and down that road all the time. You can't control what the customers going to be doing coming and going. Thank you.

Massimo Amadios 6593 Bradhurst Street

Mr. Amadio – More concern with what is the plan for these shows. I have been to Pizza D's on School Street when they have a very little parking spot and they have 30-40 cars and cars parked all around. Outside of the parking spots here...you cannot park on Brace Road it is basically pavement and grass. What is the plan when you get 100 cars that are being shown around the facility then you have 300 people trying to get to the place. What is the typical number of people that show up to these things? How do we control it? I have not heard anything about that or if it has been considered at all.

Chairman Santoro – The owner is not here tonight and I will assume he will be here next time? *Yes* And he can answer all those questions and we will have questions as well.

Mr. Pettee – Please come up to the mic.

Chairman Santoro – the reason why we ask you to come up to the mic is because this is being recorded and if you don't speak into the mic you don't get recorded.

Mr. DiDuro – Again, we are worried about the shows. This is an example of one hot rod *plays audio of hot rod running* One. That is standing still idling. To make the point. Our average house in our

neighborhood is \$300,000 some up to \$550,000. We just don't want that there. It is not the facility we are worried about. That can't guarantee anything. I guarantee it. Where is Todd? Todd, how many car shows you been to and is it crazy? *Inaudible* What type of car you have? *Inaudible* It is loud but it is gorgeous. Mine is gorgeous. It is a '68 Camaro but it is loud. Especially when we open it up. Having said that I just wanted you to see what it is like and would you want that in your neighborhood. The Serenity House is where people are going to there to die for Christ sake and you want to add hotrod shows and this is not a fit. Thank you.

Richard Dunforth 1745 Brace Road

Mr. Dunforth – I spoke at the Zoning Board of Appeals meetings and I am not going to pretend I am representing Serenity House. I will tell you that our Board Chairman would be her if he wasn't traveling. I did speak to Serenity Houses Director Kayko Jarmusz and she knows that I am present. I am not going to pretend to speak for them but offer you a couple of things to consider. Number one is the footprint that this building represents. I don't know if you realize it but a total built of 63,000 we are talking about a footprint that is 25% larger than the area covered by a football field. That is one. As anybody is aware of Brace Road there is nothing else like that on the road. Despite the fact that it is in a Zoning Overlay District cognizance of that fact too. The other thing I want you to consider too is the efficacy of building that large that is totally out of character with that neighborhood and that close proximity to a 20 year old institution that I think is a huge benefit to the community. That requires a reduction to an R-1 District of 90% from 1000 feet to 100 feet. I am asking you to consider those facts. Thank you.

Chairman Santoro – This is tabled until the next meeting. The public hearing is still open if anyone wishes to speak next time.

Mr. Tomlinson – I have a couple of additional things. I wanted to talk about the auto show so that the Board is aware. This is an invite only. They sell tickets so as far as controlling numbers that was a concern that was raised that the owner does control those when they do it. That is both visitors and as well as presenters need a ticket. That is something that can easily and is easily controlled. As far as the dyno running at the Zoning Board meeting the owner testified that runs for average of minutes a day. It is not a continual. They turn over 2-4 cars a month and that is for the final tuning is when it is utilized or when they are building an engine. It is not something that runs all the time. There is not constant hum from that piece of equipment. I wanted to mention, and Scott can chime in, when we were last at the Zoning Board they were discussing three main conditions they were considering if the were to approve the variances. One, limit the number of events to two. The owner did request potentially being allowed to have three if there were no issues with the two. It was not really

discussed but I believe it will be a condition where we are limited to two events. Information on the sound dampen once the architectural was released on the project and reviewing that with a Code Enforcement Officer to ensure that there were adequate protections being put in place. It was described that that sound dampen room is intended also for the safety of employees so that hearing protection does not have to be worn throughout the facility and they can talk on the phone when that thing is running. They want to be able to hear what is going on in the building as they are working there as well. Obviously that reduction in noise is important to them and their employees. The third condition was a decibel level limit at the property line and that was something for noise generated by the facility or by normal operation and that that would be something that could be enforced by the Code Enforcement Officer if there was a concern during operations. Again, those were the three items discussed and Scott can correct me if I am wrong. Code Enforcement at the last Zoning Board also mentioned that they had done research and that there was zero complaints on file for their existing facility. There are some residential units although not as many single family residential units in similar proximity to their existing facility and they have never received a complaint for current operation. Again that includes having the dyno open to the air when it is running. With that I will leave it till next time.

Mr. Gallina – If you could share the highlights of the sound study for the residents that are here tonight.

Mr. Tomlinson – I will briefly run thru it for you. At the first Zoning Board meeting that we attended the Town Supervisor actually came and shared that the Town has accepted purchase offer for the residential property immediately to the south of the building. Our initial variances request was to that structure. The closest structure is now even further away on the opposite side of Brace Road.

Chairman Santoro – The Town is going to buy it?

Mr. Tomlinson – That is correct. Again that is reflected in the Zoning Board minutes. What we did was we took ambient noise level readings prior to the business being open out at Phillips Road adjacent to Route 251, which is a state route similar in size and speeds although slightly lower speeds as 96. Then took comparable readings out at the existing facility. We then waited for the business to open and took readings immediately adjacent to the facility, 50 feet away, 100 feet away and then at similar separation distances to the nearest residential and the Serenity House for comparable readings. We took readings across five minute intervals, we recorded the low decibel level, the high decibel level and then gave you an average for comparison. As you know instantaneous noises like a tractor trailer down shifting and that kind of thing can severely spike noise readings. We wanted to give a fair representation as comparison. What we found, Appendix 1 and Appendix 2, it is a chart

that looks like this. Ambient noise average range from near Route 96 was 47 at a low to 67 at a high. Ambient noise adjacent to the Phillips Road ranged from 41 to 76. Averages were within one decibel of each other for ambient noise averages at those readings. Ambient noise levels 100 feet from the existing building in operation with multiple overhead doors open while they were working. Again, without the dyno running were from 41 at the low which would be expected on the ambient noise levels and 69 at the high. The closest residential structure to our proposed facility again is 427 feet so we do not anticipate any noise levels. Again normal operation, this was not during an auto show, this was not while the dyno was running but we feel confident that with the mitigation measures both internal and exterior with berm and landscaping we will be able to mitigate and be consistent with those representative noise levels.

Mr. Gallina – More of a take away question for the applicant is how critical are the car shows to what the applicant is looking to do here? If we somehow decoupled those and say facility under certain conditions is acceptable but no other extracurricular events would be allowable and that is a question for the applicant.

Mr. Tomlinson – They will be here to answer. They did offer at the Zoning Board that if there was a process like a festival or something like that where a specific application including staging a number of vehicles and people that kind of thing could be submitted on a case by case basis to the Code Enforcement Office where they would administer an event permit versus it being two written in the Code somewhat loosely that they would be open to that. I will have them prepare to speak to that at the next meeting.

Mr. Tomlinson – On the back, number 2 is outside the 500 foot limit but still within the 1000 foot limit.

Mr. Seiter – So the reduction in setback instead of 1000 is 100 looking for 1000 on the 427?

Mr. Tomlinson – There are two different variances. There is a requirement for 500 foot separation from the facility to a residential structure. Then there is 1000 feet from that same motor vehicle repair to a residential zoned boundary. We are actually in the limits for both of them.

Chairman Santoro – The public hearing remains open and you will be next time and if you have any problems let us know. We have one last item.

### **Draft Local Law for the Access Management Plan**

For review and comment by Planning Board

Mr. Pettee – So Kim asked me to review with the Planning Board. The Town of Victor Town Board is implementing the SEQR process for the Access Management Plan which includes an Access Management Plan Local Law. So this Local Law isn't necessarily being referred to the Planning Board to review and provide comment on in detail however the Town Board would welcome if you did have an opportunity to review the Access Management Local Law for you to provide them with comments. So the Draft Local Law includes what would be a Local Law to adopt Chapter 55, Access Management Plan, and Local Law to also amend Chapter 184, the subdivision regulations, and also an amendment to Chapter 211 Zoning. The subdivision regulations and the zoning regulations would refer to the Access management Plan and Access Management strategies and also part of that the Town would be adopting an official map for the Town of Victor indicating the existing and planned future roads in the community. As part of the Town Boards due diligence on SEQR and Environmental review they are initiating a Lead Agency coordination process. The Town Planning Board is an interested agency in this and looking for your consent to having the Town Board to be the SEQR Lead Agency as opposed to the Planning Board being SEQR Lead Agency for the adoption of these Local Laws. If you are in an agreement with that they have provided here a SEQR sign off form saying that we the Planning Board hereby agree the Town Board should be SEQR Lead Agency in this process.

Chairman Santoro – They are the ones who have initiated this? They should do it.

Mr. Gallina – I concur

Mr. Seiter - Agreed

Mr. Pettee – That's really all I have here we will have the Planning Board Chair and there is no need for a resolution in this regard but you can sign off on that form. If there are any questions about Access Management whether it be SEQR related or Access Management Local Laws or Access Management Plan Kim and I can help get you the information.

There were no other discussions.

Motion was made by AL Gallina seconded by Rich Seiter RESOLVED the meeting was adjourned at 8:17 PM

Lisa Boughton, Secretary



