

A regular meeting of the Village of Victor Planning Board was held on Wednesday, July 24, 2019, at the Village Hall, 60 East Main Street.

MEMBERS PRESENT: Chairperson Meg CHaides
Vice Chairperson Peter Kowal
Member Steven Van Dyke
Member Charles Criss
Member Jeffrey Swan
Planning Clerk Roseanne Turner-Adams

OTHERS PRESENT: Susan Loughnane, Ken Fyfe, Charlotte Calabrese, Ruth Nellis, Dave Nellis, Robert Klein, Lisa Roberts, John Butler, Darlene Butler, Gary Hadden, Nan Hooker, Tom Hooker, Dante Gullace, Stephen Gullace, Doug Scarson, Mary McCarthy, Ken Curry, Dianne Herrick, Brian Emelson

Meeting called to order at 7:00 PM by Chairperson CHaides.

Salute to the flag.

Resolution #05-19PB
Acceptance of Minutes

On a motion made by Charles Criss, seconded by Steven Van Dyke, the following resolution was ADOPTED 3 AYES 0 NAYS 2 ABSTAIN (Peter Kowal & Jeffrey Swan were absent)

Resolved, to accept the minutes dated June 26, 2019.

Lynaugh Road Properties, LLC
Sketch Plan Review – Gullace Project

Ms. CHaides stated that the only other thing on the agenda is the preliminary subdivision plan with Lynaugh Road Properties, LLC. Ms. CHaides stated that the first part will be to ask the applicant to present the sketch plan and the only approval would be to move it forward to the next phase of the process. Ms. CHaides explained that there will be a public hearing in which anyone who would like to speak may do so in a time limit of 3 minutes. Ms. CHaides asked that anyone who would like to speak please direct all comments to the Planning Board without any discussion back and forth.

Mr. Dante Gullace stated that he is the attorney representing Lynaugh Road Properties, LLC and the reason for the presentation is to propose that the 5.94 acre parcel owned by Lynaugh Road Properties located on the East side of Church Street to develop 16 single-family lots ranging from 10,000-13,000 sf and will vary in size. Mr. Gullace stated that there will be a cul-de-sac coming out to Church Street, opposite Hillcrest Drive. Mr.

Gullace explained that the homes will range from 1,700 sf to 2,200 sf and will mostly be 1-story but will permit 2-story homes. Mr. Gullace stated that the homes will have full basements and 2-car garages. Mr. Gullace stated that the sketch is designed to comply with all existing zoning regulations and that the plan has been through a few variations before this one and they have tried to adapt to all of the changes that the Town & Village Planning boards have suggested into this plan.

PUBLIC HEARING

Lynaugh Road Properties, LLC

Preliminary Subdivision Plan Review – Gullace Project

Chairperson CHaides read the legal notice into the record:

“A public hearing will be held before the Village of Victor Planning Board on Wednesday, July 24, 2019, at 7:00 p.m. at Village Hall, 60 East Main Street to consider:

1. The application of Lynaugh Road Properties, LLC for the Preliminary Subdivision Plan for the Gullace Project of an approximately 5.94 acre parcel to develop 16 single-family lots consistent with the current R-2 Residential Zoning District requirements. A Village-dedicated road will provide access directly onto Church Street, opposite Hillcrest Drive. Two lots will front onto Church Street and the remaining 14 lots will front on the proposed Village-dedicated road. Public water and sewer service are available to serve the community, and stormwater management will be provided in conjunction with development plans for the adjacent lands in the Town.”

On a motion by Charles Criss and seconded by Peter Kowal, Ms. CHaides opened the Public Hearing

Susan Loughnane – 77 East Parkway

Ms. Loughnane stated that her better half is Ken Fyfe and together have a few comments. Ms. Loughnane stated that at the closing of their home on January 30, 2018 the abstract of title was included in their paperwork which shows a leaching bed that runs through and under the Gullace property commencing at the northeast corner which is her back lot and runs up to 200 ft. east where it surfaces near Harlan Park. Ms. Loughnane provided a copy of the abstract and leaching ditch diagram to Chairperson CHaides. Ms. Loughnane stated that in the abstract one of the items states that she has the privilege of a drain to be constructed at the Gullace’s expense extending from the northeast corner of her lot a distance of 200 ft. through the Gullace’s wooded lot to an outlet on the surface of the ground. Ms. Loughnane stated that this right runs with the land which she assumes means that nothing can be built on top of that leaching bed. Ms. Loughnane explained that it states that it is to be maintained by the Gullace Family and that this right for the leaching bed runs with the land from owner to owner. Ms. Loughnane stated that in the abstract there is also an easement held by RG & E and the RTC that runs along all of the properties on East Parkway that extends 15 ft. on either side of the lot lines which means nothing can be constructed on that easement. Ms. Loughnane asked what the code is for the distance

that is required to build near an easement and whether the Village or Town are legally bound to uphold the detailed information in an abstract or title that is presented to any purchaser of property and if so the leaching ditch and easement need clarification in respect to the Gullace property. Ms. Loughnane asked about the proposed buffer between the single family homes and East Parkway.

Ken Fyfe – 77 East Parkway

Mr. Fyfe stated that on a proposal drawing from 2014 there was a significant buffer that ran behind the East Parkway homes but in the recent proposal the buffer was gone except for one tree. Mr. Fyfe stated that the drawing is preliminary and it is not accurate or to scale. Ms. CHaides stated that this recent proposal is a sketch plan and that the Planning Board takes into consideration comments from the public hearing, the Fire Department, Tree Board, Village Engineer & the DPW. Mr. Fyfe stated that the existing oak trees are an asset to creatures that live there and human inhabitants that live on the other side of them. Mr. Fyfe stated that the trees are also a buffer from the sound of the Thruway. Mr. Fyfe stated that it is such a wildlife corridor that goes through the Village that the green space should be valued and a potential gift from the Gullace Family to the Village and Town for all generations.

Brian Emelson-85 East Main Street

Mr. Emelson stated that he is the Director of Victor Parks & Recreation and he wanted to let the Village Planning Board know that they are in the process of completing an adopted Parks & Recreation master plan updated from their 2007 plan. Mr. Emelson stated that in this new plan one of the priority projects that the Parks & Recreation Citizens Advisory Committee, himself and the consultant team identified that would have a natural relationship with the project that is being reviewed right now is the future design and development of Harlan Fisher Park. Mr. Emelson left copies of the plan with each Planning Board member. Mr. Emelson stated that he would like to strongly recommend that items that are within the plan, amenities and improvements of the park be considered as possible conditions of the approval for the project that is being reviewed. Mr. Emelson explained that it is a detailed plan with a variety of different things that residents have provided at numerous public outreach opportunities held over the past 18 months. Mr. Emelson stated that there are both Town and Village members on the Park & Rec Citizens Advisory Committee who have given favorable comments about the plan. Mr. Emelson stated that the Town and Village have limited resources and often times this is an opportunity through the Planning process for the development community to participate in the plan. Mr. Emelson stated that he found out about the meeting tonight from Ruth Nellis at the last Parks & Rec Citizens Advisory Committee Meeting and going forward would be happy to be involved since the Parks & Rec because surely this project would have a relationship to Harlan Fisher Park given its location. Mr. Emelson stated that there are copies of the plan at Village Hall, Town Hall, Library and on the Victor website www.victor.ny.org.

Mary McCarthy-21 East Parkway

Ms. McCarthy asked what the minimum distance a building can be built from an adjacent property line. Ms. CHaides stated that the side setback is 10 feet and the rear setback is 30 feet. Ms. McCarthy stated that on the proposed sketch plan it is hard to see whether the house being proposed next to her would be considered side or rear. Ms. CHaides read from the code: "Rear and side: three feet when less than 120 square feet; five feet when between 120 square feet and 180 square feet; 10 feet when greater than 180 square feet." Mr. Scarson stated that all of the home to the lot line would be 10 feet from the side and 30 feet from the rear. Ms. McCarthy stated that since it is on a corner she is unclear. *Discussion regarding setbacks.*

Ruth Nellis-93 East Parkway

Ms. Nellis stated that she and her husband live at the end of East Parkway adjacent to the Gullace property and the park. Ms. Nellis stated that most of the questions and issues brought forth tonight have been heard before so she wonders why they are coming up again. Ms. Nellis explained that the issues have not been resolved. Ms. Nellis stated that there is a huge area of trees behind her and as she understands it the trees will be clear cut except for two large trees. Ms. Nellis stated that this will create drainage problems because the roots absorb water on top of the soil as well as underground. Ms. Nellis stated that she hopes that there will be diagrams and explanations about where topsoil will be deposited and for how long. Ms. Nellis stated that the 6/8/16 Ontario County Planning Board minutes say that the area has great erodibility. Ms. Nellis explained that putting more pavement on the surface will create more drainage and absorption problems. Ms. Nellis stated that there is an issue of increased traffic with the proposal. *Ms. Nellis went into detail of the proposed plan.* Ms. Nellis invited the Planning Board members to look at where the proposed development would go from her back yard.

Lisa Roberts-1256 Wellington Dr.

Ms. Roberts stated that she is here as a member of the Parks and Recreation Citizens Advisory Committee and would like to request on behalf of the committee is that the developer work with the Parks and Recreation Department on making some accommodation for connecting the street to Harlan Fisher Park so that it would be possible to walk between the new development and the park.

Thomas Hooker– 57 East Parkway

Mr. Hooker stated that he has a lot of concerns that he would like to mention. Mr. Hooker stated that there are a lot of nice trees on the back side of East Parkway that he feels should not be destroyed. Mr. Hooker stated that there is a huge problem with drainage on the north side of East Parkway and needs to be well managed with the proposed project. Mr. Hooker stated that if the proposed homes are two times larger than the ones on East Parkway that the character of the neighborhood is compromised and should be considered. Mr. Hooker stated that it would be nice to see the elevations and what they will look like. Mr. Hooker stated that the duration of construction should be rigidly controlled as Ms. Nellis mentioned we do not want a topsoil pile in our back

yards for years with trucks coming in day or night dumping and backing up with the beeper and of course the traffic. Mr. Hooker stated that it should be noted that there was never a public hearing on the SEQR for this project and was unclear whether the one the Town did counted for the Village. Mr. Hooker stated that he doesn't see any green space in the proposal.

Dave Nellis-93 East Parkway

Mr. Nellis stated that his Wife Ruth is a member of the Victor Tree Board and wonders if the Planning Board received comments stating a number of their concerns. Ms. CHaides stated that the Tree Board comments were received.

Ken Curry-63 East Parkway

Mr. Curry stated that he would appreciate it if the Planning Board would help shape his expectations for what to expect moving forward because the preliminary plan is very crude showing 16 rectangles. Ms. CHaides stated that this is a sketch plan. Mr. Curry stated that he calculated 1551 sq. ft. so he doesn't know how the proposed homes will fit. Mr. Curry stated that he would like to see some architectural design drawing. Ms. CHaides stated that architectural drawing will be required.

Mr. Hooker asked if he could ask another question, Ms. CHaides said yes

Mr. Hooker asked if this is the only public hearing for this project. Ms. CHaides stated "yes sir". Mr. Hooker stated that he has not seen any detailed plans such as drainage or landscaping. Ms. CHaides stated that we are having the public hearing tonight to hear the concerns. Mr. Hooker stated that he would like the opportunity to speak about more detailed plans once they are available. Ms. CHaides stated that when this project came to the Planning Board the last time the applicant provided very detailed plans which were rejected and the application was tabled until the project conformed to the R2 district. Ms. CHaides explained that this is a continuation of the last project. Ms. CHaides stated that to alleviate the fears of the citizens that all of the different entities that have provided the Planning Board with review have to be incorporated into the more detailed plan. Ms. CHaides stated that the applicant wants to hear the public concerns so that they can incorporate them into the next stage of plans as well. Mr. Hooker stated that he appreciates that but was under the impression that he would have the opportunity to speak tonight but that this would not be the only public review. Mr. Curry stated that he cannot give comments about a landscape, easement, drainage or demolition plan until he sees a more detailed plan. Mr. Hooker stated that he would like to formally request another public hearing after the entire plan is put into place.

Discussion amongst public and Ms. CHaides about having another public hearing

Ms. CHaides agreed to leave the public hearing open until the more detailed plan is received and all comments received from the Tree Board, DPW, Village Engineer,

Ontario County Planning Board and Fire Department will be available at Village Hall for anyone who would like to read them.

Ms. McCarthy asked if the Village Planning Board takes into consideration what the SEQR results were. Ms. CHaides stated that the Town took lead agency on the SEQR which means that the Village will be abiding by the SEQR that the Town has already done.

Mr. Gullace stated that the purpose of the meeting tonight is to approve the sketch plan so that he can move forward with the Engineering phase of the project and that he has concerns with the public hearing being left open. Ms. CHaides stated that the sketch plan can be approved so that Mr. Gullace can move forward with the public hearing left open.

Mr. Swan asked Mr. Gullace if he was aware of the leach bed that Ms. Loughnane talked about. Mr. Gullace stated that he does not know what she is referring to. Ms. Loughnane asked if the sketch drawing were to be approved, what happens if it needs to be different. Mr. Gullace stated that generally your rights are determined by what you have as a matter of right in your deed, not by the Planning Board. Ms. CHaides stated that Mr. Gullace would have to comply with the information that is in the public record. Ms. Loughnane stated that you can't put a house with a basement on top of that leaching ditch. Ms. Loughnane gave Mr. Gullace a copy of the leaching ditch paperwork from Ontario County that was filed in 1954. Ms. CHaides stated that if all of that paperwork is in the public record then they will have to abide by it. Ms. Loughnane stated that it is not reflected in the sketch plan and why would a sketch be done without doing due diligence ahead of time that later cannot be refuted if the drawing is approved. Mr. Scarson stated that it can be refuted and that he would not give a building permit for a new home if there were such a thing.

Ms. CHaides stated that all recommendations received from the boards will need to be incorporated into the plan which will again be reviewed.

0 persons spoke in favor of the application and 9 persons spoke against the application
Public Hearing was left open

Resolution #06-19PB
Lynaugh Road Properties, LLC
Sketch Plan – Gullace Project

On a motion made by Steven Van Dyke, seconded by Peter Kowal, the following resolution was ADOPTED 4 AYES 1 NAYS (Jeffrey Swan)

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

1. An application was received June 28, 2019 by the Secretary of the Planning

Board for a sketch plan for Lynaugh Road Properties, LLC/Gullace Project.

2. The applicant proposes to develop an approximately 5.94 acre parcel with 16 single-family lots consistent with the current R-2 Residential Zoning District requirements. A Village-dedicated road will provide access directly onto Church Street, opposite Hillcrest Drive. Two lots will front onto Church Street and the remaining 14 lots will front on the proposed Village-dedicated road. Public water and sewer service are available to serve the community, and stormwater management will be provided in conjunction with development plans for the adjacent lands in the Town
3. The applicant presented to the Planning Board a rendering of the proposed sketch plan. Rendering is now on file.

NOW, THEREFORE BE IT RESOLVED that the application of Lynaugh Road Properties, LLC, sketch plan dated June 26, 2019 **BE APPROVED.**

ADJOURNMENT

Meeting adjourned on a motion at 7:49 pm

Roseanne Turner-Adams, Planning Clerk