

A regular meeting of the Town of Victor Planning Board was held on Tuesday, August 13, 2019 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

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

OTHERS: Wes Pettee, Town Engineer; Lisa Boughton, Secretary; Lee Wagner, David Nankin, Andrew Phillips, Conservation Board, Fred Rainaldi, Barb Snyder, George Snyder, James Cretekos, Don Mull, Craig Fiduccia, Tammy Van Buren, Ehhayn Er, David Mitchell, Gregg Richards, martin Snyder, David Mammano, L. Maneul, Patrick DeClereq, Joe Hurley, Brent Hoover, Mary Karen Petwske, Matt Tomlinson, Dave Anderson, Brian Emelson, Susan Stehling, Erica Sharp, Joel Carto, M. Warner, David Van Buren, Paul & Carol Lawatsch, Debra Hogan, Tab Javed.

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

- Tammy Van Buren re: New York Beer Project
- Tammy Van Buren re: New York Beer Project
- Dave Anderson re: New York Beer Project
- Dr. Williams re: New York Beer Project
- Christopher Roth re: New York Beer Project
- Kevin Krupski re: New York Beer Project

BOARDS & COMMITTEE UPDATES

Planning Board reported by Kim Kinsella

- August 28th meeting
 - Public Hearing
 - Bell Atlantic d/b/a Verizon located on 7385 Willowbrook Rd, requesting approval to construct two wireless telecommunications concealment shrouds and associated equipment on a new 43 foot tall wood utility pole.
 - 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.
 - Surmotech – parking Expansion and Shed at 7676 Netlink Drive requesting approval to expand their parking lot to the property line in front of their building an increasing parking from 32 spaces to 61 spaces and also requesting to add a 16’x 40’ shed to the southwest corner of the lot.
 - Quest Property Group located 7642 County Road 72, requesting approval to install a new 6 foot high fence on the southeast side of the existing building. Is located in a Light Industrial District.
 - Christopher Subdivision located at 7850 Royal Woods, requesting approval to subdivide a three acre lot from an existing 17.247 acre lot to build a single family residence.
 - Victor Views Assisted Living located at 1440 State Route 444, requesting approval to create a 12 bed Assisted Living Residence to an existing single a story 4,200 sf structure.

Chairman Santoro – As you have heard two of the things that were on tonight have been tabled, Song Hill Winery and Surmotech. 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.

LEHIGH CROSSING LOT 9

7901 Lehigh Crossing

Owner – Bluestone Creek Dev, LLC

Applicant is requesting approval of elevations of a 33,600 sf flex space bldg. to accommodate office, manufacturing, and warehouse space for multiple tenants.

16-SP-19

Zoned – Light Industrial

Scott Morrell of Morrell Builders

Mr. Morrell – Very excited to be first. I was asked by the Board too change up the front elevation of our building that we have at Lehigh Crossing from one of the buildings we just completed on Lot 5 that has pretty much a majority of the space with Coverwall in it. We decided to bring it back to architectural to make some changes to it. We made a couple of changes. One was we put transom windows above the awnings and we also added quite a bit of EIFS to break up the split face block. We also are going to do this building in a gray tone rather than the tan tone that Lot 5 was. We think it will be a nice change. The sizing of the building is pretty much the same and we are doing the same type of thing, a flex building where there is office in the front and warehouse in back. I have a picture of the existing Lot 5. Those are the changes that we are proposing so that we can answer the questions to what the Planning Board requested.

Chairman Santoro – Anyone from the public wish to comment or ask any questions about this project?

Mr. Pettee – There was a resolution back in May 14, 2019 where you approved the site plan for Lot 9 and one of the conditions to that approval was that they come back for Architectural review. There was a public hearing that was closed on Lot 9 but given they are back for Architectural review I would probably open and close it again here.

Chairman Santoro – Motion to close any public hearing that may remain open? Motion to close the public hearing by Heather Zollo, seconded by Rich Seiter.

Mr. Logan – It looks like he has addressed to have a little variation within Lehigh Crossing Park and I do like the fact that you have broken up the façade with some features on there that will give it more of a vestrian feel, I will call it that. I appreciate it.

Ms. Zollo – I think it is much improved.

RESOLUTION

Motion made by Joe Logan, 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 for a Site Plan entitled Lehigh Crossing Lot 9.
2. It is the intent of the applicant to construct a 33,600 sf flex space bldg to accommodate office, manufacturing, and warehouse space for multiple tenants.
3. The applicant received site plan approval on May 14, 2019 with conditions.
4. Condition #6 stated that approval is subject to final architectural review by the Planning Board pursuant to the comments made at the May 14, 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 Lehigh Crossing Lot 9 dated July 30, 2019, as prepared by MRB Group and received by the Planning Board on July 30, 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.

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 Aye
Heather Zollo Aye
Al Gallina Aye
Rich Seiter Aye

Approved 5Ayes, 0 Opposed

SONG HILL WINERY – FESTIVAL EXTENSION

34-SP-19

TABLED

521 County Road 9

Zoned – Residential 2/Ag. District 1

Applicant is requesting a renewal of the application to hold festivals up to 4 times per year to direct market their agricultural product to the public.

KETTLE RIDGE FARM – POLE BARN

35-SP-19

515 Log Cabin Road

Zoned – Residential 2

Applicant 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.

Chairman Santoro – I will note that County comments will not be back until August 16 but the applicant wanted to appear on the agenda tonight.

Joe Hurley at 249 Benson Road

Mr. Hurley – On behalf of Kettle Ridge Farm LLC I am here tonight to seek the site plan approval for a 2,848 sf pole barn that I will refer to as a Sugar House to be constructed on an existing level site at our farm located at 515 Log Cabin Road. Purpose of the Sugar House is three fold. One to provide for a new expanded maple syrup and honey processing facility. Number two, to allow for the production of maple candy and similar products in a modern production kitchen. Three, to provide a safer more comfortable sheltered environment for the visitors and tourist who come to Kettle Ridge Farm thru ought the year. By way of background, I purchased the property at 515 Log Cabin Road thru my Limited Liability Company in late 2014 and began producing maple syrup and honey there in early 2015. The property has been included in the Ontario County Agricultural District #1. My son, Chris, is a full time onsite Farm Manager and lives in the log home on the property with his wife Megan and their young daughter. I have one other employee, an army veteran named Justin Nelson, who I hired this year. We also have many volunteers that help us on our farm. The vast majority of our maple syrup and honey is sold retail with a small percentage sold wholesale to other local retailers and food manufacturers. We engage in several maple marketing activities often referred to as Agricultural tourism. They include a community supported agricultural program called adopt a maple, pancake breakfast, maple themed farm to table dinners, the NYS sanctioned maple weekend, and a fall festival called Kettle Fest. We also operate a fully permitted pancake food

truck that is part of our maple marketing. In the short time we have been operating our farm on Log Cabin Road, Kettle Ridge Farm has become a notable small farm agri-tourism destination. We are proud to be located right here in Victor. We have received mentions on television, radio and print across the country. We have gained thousands of followers on social media. We host many visitors every year including group tours for residents of senior living facilities, for inner city school children, and for organizations helping those with various physical and mental disabilities. The State of New York along with many of its selected officials have placed a lot of effort as well as marketing dollars in support of the states maple and honey industries. In its comprehensive plan the Town of Victor has also emphasized the importance of agriculture and ag-tourism to our community. Unlike most types of farming what we do at Kettle Ridge Farm is 100% environmentally friendly and sustainable as we use no chemical inputs and have a minimal carbon footprint. In fact, by preventing the destruction of trees for residential or commercial development we are helping to reduce our planets carbon load. We need the tourists to become financially sustainable as a small farm and for Chris and Justin to be able to support their families into the future thru farming. Their just are not enough maple trees in Victor for that to happen by producing and selling maple syrup in bulk. At the same time we strive always to be considerate of our Log Cabin Road neighbors and appreciate their continued support. All of our production and visitor activities are planned with our neighbors in mind. As an example, the new Sugar House is being placed totally out of sight of all neighbors and passerby's except our most immediate neighbor may have a partial view of a small portion of the building. I won't repeat anything I have already included in the site plan application or in my responses to the comments you received but I am happy to take any questions.

Chairman Santoro – Anyone from the public wishes to speak on this application? Board? As I said at the beginning we do not have the County comments yet so it will have to wait till the next meeting.

HISTORIC HIGH POINT RETAIL, PHASE 3 MODIFICATION 36-SP-19

235-237 High Street

Zoned – Residential 1

Applicant is requesting approval for site plan modifications to construct two concrete patios and fencing around the 10,000 sf building currently under construction.

James Cretkos of BME Associates and Fred Rainaldi.

Mr. Cretkos – The property we are proposing this on is approximately 3.36 acres and zoned as part of the High Point Business Park PDD. The property right now contains two buildings, one

is fully constructed and the other is under construction currently. The existing building totals 15,000 sf and the one under construction totals 10,000 sf. The application we submitted for tonight is to build two patio areas associated with the 10,000 sf building currently under construction. One is located in the rear of the building which is a little bit larger and one is located in the front of the Farmhouse Brewery. The proposed action for this is classified as a Type II under SEGR, which is why we did not provide an EAF to the Board as part of the application. The increase in impervious area from the patio will bring our site to approximately 43% which is still compliant with the PDD requirements. We will be making some adjustments to the infiltration basin that is located on the south limits of the property for the larger patio in the rear. As part of that we are doing some modifications. We will be installing some underground storm chambers to basically maintain volumes and make sure that facility will function as originally designed. The patio space is intended to be utilized by each of the users of the building. A few different uses. The brewery and a juice bar in one of the other spaces so they will have some small seating areas outside where people can enjoy there beverages that they have purchased. While Fleet Feet and Neon Wave will be using it to hold yoga classes and Neon Wave will be doing some youth yoga classes too for younger children. To date we recently received comments from LaBella Associates as well as Code Enforcement Officer and we provided responses to earlier today. We also received memos from the Fire Marshal and the Town Stormwater Program Manager indicating that they had no comments at that time. The CEO comments did indicate that the Planning Board should consider if parking was adequate for the added building occupancy which may be associated with the patio. In general the brew house user that will be for the patios will be offset from the remaining retail uses. It's similar to most other restaurant uses that will offset from retail use. We would be happy to answer any of the questions. Fred is the owner of Neon Wave so he can specifically to that business if you have any questions.

Chairman Santoro – Before we do that, could you use the pointer and point out where those two areas that you referred to are.

Mr. Cretekos - This is a small patio that will be located just in front of the farm house brewery. I believe there is seating for eight. Four high top tables and eight chairs out there. The larger patio is the shaded area in the back of the building here. The little space associated with the farm house is right in this corner. All the rest of the space is going to be generally left open. The space right here is Fleet Feet at the southern limits. This is the intended yoga space that will be utilized by Fleet Feet as well as Neon Wave, which houses about 40% of the building up here.

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

Dave Anderson at 359 Meadowlark Lane

Mr. Anderson – I have some questions for the Planning Board as well as the developer. I don't if Fred you want to come up and share the mic with me or Mr. Cretkos. The first question I want to know is how many parking spaces does this development currently have and are there any additional parking space proposed?

Chairman Santoro – If you know the answer.

Mr. Anderson – There not going to know the answer.

Mr. Cretkos – There is 131 parking spaces associated with this property itself and there is also some parking in High Street as well as over on the North Face Plaza that is all interconnected and will be available to any of the users. There is no additional parking proposed with this application.

Mr. Anderson – So the total number of parking spaces including North Face is how many? It's ok. You can do the math. You are burning my time but.

Chairman Santoro – You asked the question.

Mr. Anderson – I understand. While he is researching that maybe Fred you can answer this question. Will NYBP still continue to utilize this development for their employee parking?

Chairman Santoro – I think you have a big list of questions here. I think we should give them to the applicant and have them respond to you in writing rather than spending a long time having them answer them tonight.

Mr. Anderson – If that is how you want to handle it. Will you leave the public hearing open and have the ability to respond to his answers?

Chairman Santoro – We do have a resolution. Do you have the list of the questions?

Mr. Cretkos - No I do not.

Mr. Logan – Dave, why don't you hand that to him.

Chairman Santoro – Fred, why don't you and James take a look at that and see if you can give us an answer to those questions. We will make the questions part of the record.

Mr. Anderson – Will the public hearing remain open on this topic then until I get a chance to respond to the answers?

Chairman Santoro – They are going to give you answers now. We do have a resolution prepared for tonight.

Mr. Anderson – Question #4 is direct towards the Board not the applicant.

Chairman Santoro – I don't know there answer so I can't give you an answer.

Mr. Anderson – My concern is that we do not end up with a situation like we have across the street where there is a 30% parking shortage. We want to make sure there is adequate parking for all the businesses based on the type of usage. I am assuming if it's a bar/restaurant/juice bar it falls under restaurant which requires one parking spot for every two occupants and one parking spot for every employee. Once again I just want to make sure that the Board makes a calculated decision and to be sure there is adequate parking to support what is here. Also is the patio going to add to the number of occupants of the building? From a Fire Marshal point of view they will rate an occupancy for safety but once again I am worried about overcrowding because we are already experiencing that.

Mr. Cretekos – Parking spaces on the development. There is 131 spaces located on this site property. Will the Beer project continue to utilize this development for their employee parking? I believe they are allowed to park over her since it is all shared parking.

Mr. Rainaldi – I am going to clarify this again, although I have testified to this in the last few meetings. All four phases of High Point Retail, Starbucks, North Face, where the spa is, the new building and phase four, which is New York Beer Project, Longhorn and the new Chase all of the tenants, employees, patrons and etcetera have reciprocity to use all four phases for parking. It was designed that way not only by our wish but by the wish of the town and its original design, philosophy, intent and now execution. All four phases of retail have the opportunity for each tenant, employee and patron to share, use, and walk however they chose to enjoy the project.

Mr. Cretekos – That answers questions #2 and #3. Question #4 Dave indicated this is for the Board. Questions#6 since there is not a question #5 is what is the total square footage of retail

space in the development? There is 25,000 sf total and approximately 5,000 sf of bar/restaurant space in the development so leaving 20,000 that would be specialty retail proper. Although we would contend that the specialty retail use does fit in with Farmhouse Brewery is a little bit arbitrary because it is not clearly defined in the Town Code. Question #8 is do you know if there will be overage or shortage of required parking? We don't believe there will be a parking issue with this because the uses are going to be offset. How many seats for both patios? Right now the current plan is to have 20 seats for the Farmhouse Brewery and think there is some plans to do a couple chairs for the juice bar but I don't think we have worked thru the process for that and the interior space design for that yet. Patio seating should be calculated in to the required parking space formula. The Code Enforcement Officer kind of did elude to the potential occupancy of the use being increased so yes that would be accounted for if we are using the restaurant as the parking loading determination for that use. Question #11 is how will the business accurately monitor and control occupancy? It is going to be like any other business that will be required to ensure that there is not an overage of people in there. Obviously the Fire Marshal or somebody attend and observe that, that would be an issue and it would be enforced as such. I think the owners will have to be aware of their occupancy limitations and enforce that actively thru management training and staff training.

Mr. Rainaldi – Just to talk more specifically about each of the business. Farmhouse Brewery is a tap room. There is no restaurant, no kitchen and even thou there is no food production other than the minimal pretzel or crackers that are required by the New York State Liquor Authority there is no food production within the premise and there is no beer production within the premise. It is a tap room designed to celebrate one of the most sought after farm brewers in New York State. Marty Matuzzio. Because of the NYS law and the Town of Victor Code they are required to have restrooms as if it had the occupancy of a full form restaurant. Quite literally half of the space is occupied by areas people can't consume or purchase anything. The bar is quite beautiful, the storage system for the variety of beers is quite large and the shape of the space is very cool which allows for people to see right thru. There is glass on both facades. The patios, which I would like to remind everybody will be in use in our limited outdoor season, are unique and highly sought after amenity that in any other environment would be celebrated. Although the Code requires that the patios be taken into consideration it is not fact that the presence of those patios causes more patronage. We study everything assuming they are going to be in full capacity but is not a forgone conclusion that because there is a patio there is more patronage. The patio which is small from the onset will be shared between the retailers. I have a children's boutique that is opening. We will be doing youth yoga that may happen six times a week during the months that it is allowed.

Fleet Feet Sports host running clubs. They may stretch on the patio or pick up their bibs or prep and train and meet there groups for their runs. We have beautiful hiking trails on our site and around there. This is a completely consistent and appropriate application for the building and the setting. It is quite beautiful if you haven't been up there. The parking is more than suitable for the tenancies that are being proposed there now. I know of everyone that is going. We are parked with room. We like the fact that people come and hang out at our projects for a little bit longer than is typical. The businesses and this very meeting has underlie them of good faith. The tenants aren't coming in there trying to dupe everybody and pack out their spaces. We are fortunate that our businesses are successful but the concept that this is going be an unbridled and unmeasured, untracked event. In the Town of Victor we have an incredible intimate, aware and educated team that monitors every single one of these topics is a little bit confusing and frustrating to me that it continues to be a topic.

The Neon Wave which represents a significant of this building. The front portion is Neon Wave proper, which is for adults and the back portion is Neon Wave Kids, which is for children.

Mr. Logan – Fred, could you use the laser up on the screen so audience can see where you are pointing.

Mr. Rainaldi – The back far portion. I have a max load of six employees that will be there. That is two people in Neon Wave Kids, four people in Neon Wave. We have a peak parking demand of ten parking spaces. This is a low density and low intense parking demand. I know this because I own the business. I am going to track it because it is important to the community and important to me. There is a natural ebb and flow of the use and parking resources. If you can't find a spot easily you will likely move on to your next best option. A lot of the concern that Dave has brought up several times now is a self-mitigating act. It is here and at every other liked type plaza and will continue to be in perpetuity until there alternate means of transportation that are being used in large application. The building, which you may have seen the Fleet Feet signs went up, each space is really properly programmed to size. It fits nicely thru there. I can talk intimately to each of the operations because they are either existing tenants of mine or I will be operating them myself. If there are any specific questions to the utilization I will be happy to elaborate.

Ms. Zollo – Fred, the 15,000 sf building, the existing building, could you go over what businesses are in that building right now?

Mr. Rainaldi – The spa represents a majority of the building. That essentially goes across the back there. The spa is expanding the women’s sanctuary this fall. They will represent about half of the building.

Ms. Zollo – Is there another business in next to the spa?

Mr. Rainaldi – There will be a small woman’s cosmetics retailer and I will do a small specialty food concept her and another small hard goods operation here. So each about 2,000 sf. That is the total building.

Ms. Zollo – The food is that a restaurant?

Mr. Rainaldi – A specialty restaurant with 1,000 sf.

Ms. Zollo – The parking that is available for the restaurant?

Mr. Rainaldi – Was designed to accommodate.

Ms. Zollo – I think that is the concern that we have already got this issue across the street so people want to make sure we are not going to create another problem with additional restaurants.

Mr. Rainaldi – Dave’s statistic that was his opinion. That is not fact. The fact is the parking for Phase 3, this phase, was designed with the on street parking to accommodate a mix of small format businesses which included small format restaurants or hospitality. I want to clarify again that the brewery, although it has to be because of the way it fits into the Code, it is not a restaurant. It isa tap room. There is no food production. The only true food production will be in small 2,000 sf space.

Ms. Zollo – How many seats will be in that?

Mr. Rainaldi – Approximately 50.

Ms. Zollo – 50. So we need to have at least 25 dedicated parking spaces for that. I understand that yes this has adequate parking for this section but the difficulty is across the street where the people are parking up over here in order to access the New York beer pub.

Mr. Rainaldi – The employees that are parking on phase 3 site are doing so out of courtesy to a few things. One the fact that we are an active construction site. We have been improving and making the changes that I have spoken about in the last few meetings that even thou we have normalized and balanced the New York Beer Project site we haven't stopped that practice from happening. It is something that the project was designed for all the parking facilities to be shared.

Ms. Zollo – We just don't want to create additional problems.

Mr. Rainaldi – I don't want to create additional problems.

Mr. Cretekos – My question to the Board would be what sort of information you would like to see from us to be able to make a good determination on that issue.

Chairman Santoro – You have given us the number of spaces. Is that just on that side of the road?

Mr. Cretekos – Correct. The 131 is just on that side of the road. There is 64 spaces located on the North Face property and 27 located in the street right away. It totals 222 for the area plus you also have connections over to Olive Garden and the auxiliary parking lot which is across the street from that as well.

Mr. Rainaldi – If you recall a few years back we purchased an acres from what was once the Simon Kmart lot and added about 37 spaces to the Starbucks parcel Lot 1.

Mr. Logan – Fred, is that lot being used by all the employees in the Starbuck and FedEx and Olive Garden. I hardly ever see that many cars there.

Mr. Rainaldi – The parking lots are over parked there by roughly 20-25%. What happens is when we have a business that has a high percentage of younger employees every quarter we will go and educate and do a quilt education. It is a cycle. What happens in Lot 1 is because the tenants have been there for quite some time is they can predict. When they know that they are busy they will park over there and when the employees know that they don't have to park over there. It is a nice ebb and flow but we haven't utilized more than a third of the new lot since it was built.

Mr. Pettee – Are there any additional concerns that you have that are not identified on this paper right here?

Mr. Anderson – All I ask is that you check with Code Enforcement to be sure that the scope of the whole pictures falls into compliance with the Town Code.

Chairman Santoro – All projects go to Code Enforcement for their comments.

David Mitchell 7 Medford Way

Mr. Mitchell – Talks about fencing around the 10,000 sf building. Is there any description of that fencing and will it be going around the patios as well?

Mr. Rainaldi – I agree that was confusing. The only fencing will be the fencing mandated by the New York State Liqueur Authority. Because Farmhouse Brewery has alcohol beverage outside the patio area has to be delineated. The fence will be only around the seats for Farmhouse and it will planted pots connected.

Mr. Gallina – Fred, a question relative to the outdoor patio area. Hours of operation do you have any intentions of having evening events outside? I know that has been a concern of other discussions.

Mr. Rainaldi – With the phase 3 and the Farmhouse there is no music or outdoor events. It is a Zen environment. I will print this and drop this off to the offices. This is the children's store. This is very important to me and have been designing this. It is a new born to 14-16 depending on your size. Because of the genre this is going to be a Zen quite phase and no outdoor events or music. I will send some narrative on Marty. People come to listen and talk about beer. They want to be close to the bar. It is set up to be where he educates almost every brewery that exists in NYS. They fly him around the country and that is his magic. Even though we will have it and it will be beautiful I don't see it being used in great form.

Mr. Logan – no, Al asked one of the questions I had. I am satisfied with how he has addressed other ones.

Mr. Seiter – Expanding on Al's comment about the entertainment on the patio, you say there is no outdoor entertainment which is fine but I would also like it noted that any music from inside is not piped out to a speaker.

Mr. Rainaldi – I have asked them because a lot of times tenants will ask us to coordinate the audio/visual into our scope because we will conduit and things like that. They don't even have plans to put speakers inside. I think that what I will do is a better job of, I will send an abstract of Marty's program and people are really coming to learn about the beers. He is preaching a craft and you will see that there will be hops and other materials that represent the process and he just wants to talk about it. Trust me. He wants to talk a lot about beer.

Ms. Zollo – Is he going to be teaching classes or are people going to be making beer there as well?

Mr. Rainaldi – That is his mission. He would like to have an education component to this. One of my ideas was we will have cool surface area to run programming. I was thinking of having really cool programs for the public at the clubhouse at the Woods at Valentown and then what I thought would be spectacular is when we resurrect and restore the barn at the end of Valentown to have a culinary education program. Not cooking but to tea. He has plans to use all and every acre of High Point to celebrate his craft.

Ms. Zollo – This particular location won't be making, just tasting and learning.

Mr. Rainaldi – How he came about is he is one of a handful of brewers that the government seeks out to train people how to produce and stabilize grain. What you have noticed is that there has been a huge movement to preserving New York State born grain and keeping it in our breweries. He has been a champion of that. He really set the path. There is an education element here but it is not going to be rewarding for someone who wants to see a start and end of a beer right then. It will be a talk about the process, how do you get to the process and then if you want to go down to Owego or Bath to either of his production facilities it is a geo eco-tourism plat. He is an extension of his brand.

Ms. Zollo – Al asked about the operating hours. Did you answer that question?

Mr. Rainaldi – His current tap room varies between 11 and midnight Thursday, Friday, Saturday and then they are typically closed between 8/9 o'clock on non-weekend days. 11 to 8 Monday, Tuesday, Wednesday and Sunday. Then Thursday, Friday, Saturday 11- midnight.

Martin Snyder own 304 High Street, part owner

Mr. Snyder – I have a lot of concerns with the parking on this site. One of the words that was brought up right now was reciprocity. You need to be able to access each phase to be able to use that reciprocity. You can't cross High Street at that curve. There is no cross walk at Valentown. There is no reciprocity. It is an idea a theory. It would be nice but it does not exist. Anything that talks about cross use of parking on either side on High Street from High Street Extension and back you cannot do it safely. I would like to politely say that can be thrown out the window. As for as the Zen atmosphere on this patio we are talking about it is also acknowledged, if I have the number right, is 20 people can be out there who are consuming alcohol. 20 people consuming alcohol don't constitute a Zen atmosphere. One of my concerns is with this development and how the process works, and correct me if I am wrong, whatever the site plan is that supersedes any type of zoning and setbacks and since this is a development district and the way it is set now. You don't talk about the setback from the property line because it doesn't have to be addressed. I think it needs to be considered. On the original site plan that is in town zoning that I was able to FOIL this distance is 26 feet and the shaded area that they are asking to push the patio out is 5 feet. Now we are within 21 feet of the Historic Valentown property. Keep in mind that is right here. We are putting all these people consuming alcohol on top of this historic site. I would like to be able to keep that site more pristine than that having all these people outside. That is not what was approved when the town originally approved the site plan. My other concern is with the parking. The fact that we have gone thru a couple of different phases here and we talked about the Olive Garden and was acknowledged that the parking didn't work there. Had to go back to the drawing board and build another parking lot on the opposite side of the High Point Road up to the top development. The New York Beer Project we have pretty much acknowledged that the parking is inadequate there and have other items on the agenda tonight to address that. We are talking about going across these property lines, going across roads and we are using this parking on the other side for the Beer Project and I am concerned we are not going to have enough parking for every use that is on this site. I have yet to hear anyone who has broken down the number of parking spots that are totally within the site and take a look at all of the uses. I have come up with 220. I think there is a few discrepancies here if you look at google maps, you look at the site plan and some of the things did not pan out quite as planned. I think we are in +/- 2 of what he mentioned. We are relying on the fact that the uses on these sites that this one offsets this one the hours this and that. We are bordering on arbitrary and capricious with that type of approval. We need numbers. We need hard numbers. How much parking do we need for this site? How much we need for this site/ we need consider Chase Bank, we need to consider the Beer Project, we need to consider everything if we are talking about this reciprocity that needs to go between these lots. I think anything short of that is not on good legal ground. I will leave it at that. I want to hear some hard numbers in this resolution if you were to pass something tonight. Thank you.

Mr. Cretekos – I would like to note one item that we have been working with the Town. We did submit a concept sketch to Kim Kinsella that she forwarded onto Clark Patterson Lee that had a sidewalk connection from the Valentown/High Street intersection to the North Face and Historical Point 3. We just received some initial feedback comments from CPL, your traffic consultant, suggesting that the sidewalk configuration might not be the safest thing that we wanted. They did come back to suggest doing more of a formal crosswalk right on the corner connecting the two areas. We will be working with the Town as well as your traffic consultant to continue to make sure there is a method to interconnect these two properties across High Street.

Tab Javet 38 Meadowlark Lane

Mr. Javet – I observed something over the weekend that I wanted to shed light on that. I am fully in agreement with all the observations and all the hearings that have happened here with all my neighbors regarding the traffic concerns and other things. Specifically this time, I wanted to bring to your attention was that even though they had mentioned about these enhanced ventilation systems filters that would take care of the odors from the New York Beer Project that it was very prominent. I was sitting on my deck, which is right of the cul-de-sac and am directly in line. The trees are in between and the moment the trees go away I think this whole thing will be exaggerated in terms of the effect of that. The aroma was prominent and this was Friday and Saturday and was around 7 pm on a Friday and around 10:30 on a Saturday and wanted to bring it to your attention. Everything else has been spoken here in terms of the traffic concerns. I lend my voice to that as well but this specific thing that I am directly affected with as being the first house directly in line from the Beer Project. I just wanted to bring it to your attention. Thank you.

Mr. Rainaldi – I am going to be submitting the new filter system that gets installed next week. The specs. It has been submitted digitally to Codes but I will leave this. That very filter will be installed by the end of next week.

Mr. Logan – For the Beer Project your saying?

Mr. Rainaldi – Yes, there was a little time on ordering because the hoods are quite large.

Mr. Logan – Does the steakhouse have a similar issue?

Mr. Rainaldi – No. It is a different system. The same thing we did at Olive Garden. The challenge was the Olive Garden restaurants as part of their prototype they vent up. It is pretty

well known that we are in the middle of a wind chamber so we go thru and try to design to protect that. The size of these vents are quite large and was a little bit of le time on the vents. I committed at the last meeting that those would be changed at my expense so it was just done. Ordered, paid for and installed next week and believe it will be have 100%. The Board has my contact information. I can send notice of when they are installed and do a check back. I will commit to you right now that I will continue to correct and evolve that system till it has 100% performance. Once it is installed I am going to immediately contact the Town and then any day or every day after that you and I can work together to make sure it is resolved 100% to your satisfaction. I am committing too resolving that completely. I am on site 7 days a week so I can meet you and coordinate there as well.

Mr. Seiter – Fred I have a question. This filter..will it go on your grease hoods?

Mr. Rainaldi – Yes. It is two filter system that is the last capture.

Mr. Seiter – Has this been redesigned then to accommodate the new filters?

Mr. Rainaldi – Yes sir.

Mr. Seiter – By a licensed engineer?

Mr. Rainaldi – Yes and I can actually bring in a sample.

Mr. Seiter – If you are adding a filter into an existing system you are increasing the static on the system and that is going to reduce the efficiency of your fans. That needs to be redesigned.

Mr. Rainaldi – That is why it took a little bit of extra time. I had to have Buffalo Kitchen Supply and Monroe Piping and Sheet Metal work to acclimate this to the system. That is why there is a two week gap in between installation.

Mr. Seiter – Are they licensed engineers?

Mr. Rainaldi – Yes. Monroe Piping and Sheet Metal is licensed and union.

Mr. Seiter – Licensed engineers not licensed contractors

Mr. Rainaldi – 100%. We use them because we do as builds so they do the drawings so they are engineers. Yes sir.

Mr. Seiter - I would like to see that drawing and because you just can't put new filters willy nilly on an existing system.

Mr. Rainaldi – Correct. It could have catastrophic impacts.

Mr. Seiter – The PE requires it to properly engineered.

Mr. Rainaldi – Trust me I did not inspect that. It was done by professional engineers.

Mr. Seiter – Many a contractor does it thinking it is right and it's not.

Mr. Rainaldi – We hold and carry them to 100% of the responsibility and the burden if it is not executed properly.

Mr. Seiter – Does this need to go to our Code again or the Fire Marshal?

Mr. Rainaldi – It was sent specifically to Codes, yes. I am an open book. He sees everything we are doing totally visible. 100%

Ms. Zollo – Is this a system that requires periodic maintenance or filter changing? That needs to be included too. They keep telling me that behind me the Five Guys has some super-duper thing and I am out in my yard and that is all I can smell is grease.

Mr. Rainaldi – I remember when Benderson was in here and they spoke about the filters and he spoke about a lot of technical terms to talk about the effectiveness rate and I thought that might be cool so I went over and checked. This system is custom to our system and has the ability to continue to expand and unlike the Benderson leases my enforcement mechanisms are very real. I self-manage all the properties thru Rainaldi Real Estate.

Chairman Santoro – Are there any questions that need to be addresses before we do the resolution?

Motion to close the public hearing by Joe Logan, seconded by Rich Seiter.

RESOLUTION

No Motion made.

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

1. A site plan application was received on July 09, 2019 by the Secretary of the Planning Board for a Site Plan entitled Historic High Point Retail, Phase 3 Modification.
2. It is the intent of the applicant for site plan modification to construct two concrete patios and fencing around the 10,000 sf building currently under construction.
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 August 28, 2019 at which time the public was permitted to speak on their application.
5. The Action is classified as a Type II Action pursuant to Section 617.5, Paragraph (c)(9) of SEQRA's implementing regulations, and classification as a Type II concludes the SEQR process.
6. The Town of Victor Code Enforcement Officer reviewed the application and provided comments in a letter dated August 13, 2019.
7. Labella Associates reviewed the site plan and in a letter dated August 09, 2019, offered comments.
8. The Fire Marshal reviewed the site plan and in a letter dated July 15, 2019, offered comments.
9. Stormwater Management reviewed the site plan and in a letter dated August 02, 2019, offered comments.
10. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On August 07, 2019 Ontario County Planning Board referred the application back to the referring agency as a Class 1.

NOW, THEREFORE BE IT RESOLVED that the application of HHP Phase 3 Retail, LLC, Site Plan entitled Historic High Point Retail, Phase 3 Modification, drawn by BME Associates, dated

July, 2019, received by the Planning Board July 09, 2019, Planning Board Application No. 36-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 August 9, 2019 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer, dated August 13, 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.

Mr. Logan – I am not seeing Code comments in my packet.

Mr. Pettee – So looking at the Code Enforcement comments for this project it is inconclusive. The did comment on parking but it is inconclusive to whether or not there is sufficient number of parking spaces given the anticipated building occupancy. With that we might want to consider taking a harder look at the parking requirements to make a more accurate determination that the number of parking spaces for this site is adequate before we act on a resolution. Would be my recommendation.

Mr. Gallina – I can support that. I think that to get that analysis completed will just put some minds at ease. I just want to remind that what we are really reviewing is the patio. It really does not have any impact on the site parking. I am still okay proceeding with the analysis.

Chairman Santoro – How long will it take? We will table this till the next meeting August 28, Wednesday.

Mr. Logan – At that point I think we will be prepared to act on the resolution with a good support from codes to make sure we are all on the same page with the parking.

SURMOTECH – PARKING EXPANSION AND SHED

28-SP-19

TABLED

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.

TABLED FROM JULY 9, 2019 MEETING**VALENTOWN PLAZA LOT 2 AND 3-PARKING EXPANSION**

23-SP-19

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.

James Cretokos of BME Associates

Mr. Cretokos – Since our last meeting on July 9, we have done a couple things and will go thru the list of them. We did coordinate with the Fire Marshal to confirm that he would be acceptable to us putting in the raised median island located at the High Street entrance to help try and restrict patrons leaving the site to taking a left hand which they are doing even though there is sign-age up there that prohibits the left hand turn. It says right turn only and is a state standard on UTDC sign which is right here and there is also a keep right sign here. With that we will be basically going to modify this curb radius here to really try to offshoot people with the center island that will be constructed where the existing bollards are today. That should help force everybody to the right a little bit more. We are restricted a little bit by utility guide wires which we can't move and we will do the best to our ability. It should make the turn a bit more difficult to complete once it is done. We submitted updated plans last week on August 7 responding to some landscaping comments and incorporating some of the other Planning Board comments at the previous meeting. We did consult with Bergman Associates who is our traffic engineer that

Fred uses in conjunction with our efforts. They came up with a way finding sign package that we have included on our site plan. It is a series of a couple signs that will help direct traffic and indicate that there is no exits southbound on 96 thru either of these two entrances. There is going to be plaque installed here that says no exit to Route 96. There is some way finding sign down here that will direct to exit 96 and there is a couple other interior signs that will help get the people to the right location.

Mr. Logan – The fact that you have created the sharp right turn on the exit, is it going to be a problem for delivery trucks and things? Do they know how to get in and out of the plaza for turning radii and things?

Mr. Cretekos – We do not have any major trucks coming and anything that can come in obviously fire equipment and stuff can all use, we have confirmed with Bob Graham, on how the fire departments from Bushnell Basin would enter from Fishers as well as the Victor station. None of them will be making the left hand turn over the center median which is why he was ok with it. We are just going to have to educate our delivery users as a how to access the site. It really does not impede the movements. It is a mountable curb there. Trucks will still be able to run over it if they need to. We have the modification of the High Street entrance thru consulting with Bergman Associates and have actually reduced the proposed parking on the south side of the building here. We have eliminated 6 spaces to help provide stacking for cars. We have stacking for up to five cars as opposed to the three we had before. The new also provided some earthwork information to the Board and was passed around at one of your staff meetings. We need about 3,000 cubic yards of fill to do the parking improvements here and in the front. It is a minor amount of earth we are moving. Several tons of thousands for the High Point development and we have excess earth up there so truck movement is going to be from that site to here. It will not be impacting the rest of the residents or anything. Earlier today we did submit an additional set of updated plans. This includes the parking area between Longhorn and Chase that we had discussed in response to some of the comments from Joe and Al. We completed that design basically it removes a center median here and do a little bit of grading to the pavement but we can capture another row of spaces which allowed us to bring the total parking of the site up to 370. We also responded to some Code Enforcement comments that we received this morning. I did touch earlier on the sidewalk connection and wanted to note that we are working with the Town and Clark Patterson Lee to try and come up with a viable solution before we submit formal plans. I also wanted to reiterate that we did obtain the variance from the Zoning Board to allow the parking in the front setback. We still are compliant with all the green space requirements out on the property. They are included on the site plan in the notation up here but on Lot 1 will be 36%, Lot 2 will be 45% and Lot 3 will be 52%. It is all above the 35% and we also did a review of the stormwater facility and rechecking to make sure the little bit

of extra impervious area, by taking out that center median, would still be within the limitations of the original design of the stormwater facility, which it is.

Chairman Santoro – We will take Mr. Anderson first because he has a video he would like us to see. The Board has all seen this.

Mr. Anderson – I think the public deserves to see it to and that is why I requested it be shown at the meeting.

Chairman Santoro – Bear in mind that what is in the video is not going to be there in a little while as soon as you get that new median in there.

Mr. Anderson – While the public watches this...

Chairman Santoro – Lets let them watch it first.

Mr. Anderson – What you just saw there was a video I shot a week ago yesterday. For 35 minutes I sat in the parking lot next to the old Pizzeria Uno looking across at the in/out exit onto High Street. I took 27 video clips of every time I saw cars approaching the intersection. I merged those all together to create that video and I am quite appalled as to what is happening there. Out of 24 vehicles that tried to exit there 12 turned right legally, 6 vehicles turned onto High Street Extension, which might make a little bit of concern because that is a pretty sharp hard right and hard left onto High Street Extension and potentially could experience some back up during peak hours. You did see 12 vehicles illegally turn left. One vehicle that was going north bound on High Street illegally turned left into the parking lot even thou there was a do not enter sign there. There were three incidents of jay walking by two employees. There is a real problem there. If we can go back to the site plan slide.

I can give people an overview of what is here. State Route 96 is 45 mph and we know everybody travels the speed limit. High Street is 40 mph and the area of concern is here. As your driving north on High Street this area right here there is a dip in the road and then you come up out of the dip as you go by Valentown Road and come up over a knoll and your immediate into that corner. So anybody that is trying to pull out or jaywalking is really asking to get slammed right there.

Another thing I will point out is there is no stop sign or dedicated turning lane so when you pull out of here there is no stop sign and when you turn right onto High Street there is no turning lane and you are merging with the traffic turning off of 96 onto High Street or coming across from the mall. Public safety should be our main concern. This entrance/exit onto High Street was constructed almost 25 years ago for Pizzeria Uno and was designed to allow turns in all directions and at that time it was the only entrance /exit into development. I did contact the Ontario County Sheriff's Department who in turned sent a State Trooper out there to take a look

at this. I am waiting to hear his comments and he is supposed to call me tomorrow. They are saying it will be very difficult even if they try to issue tickets here. Somebody turning left on there for an officer to try and catch somebody and pull them over, they will probably be on State Route 96.

Possible solution to fix this I came up with some ideas and I will share with you. We could reduce the speed limit on High Street to 25 mph can promote some safety. Installing additional signage at the intersection and within the parking lot to direct exiting vehicles which we were just told that that is going to take place. That is one solution. The other thing we can do is actually put a center median onto High Street so that vehicles could not possibly turn left or illegal turn left from High Street into there. A raised median thou there may not be enough road width there and may create some concerns with snowplowing. Redesign the right in/right out exit onto High Street into a right in only with no exit there. If we prevented vehicles from exiting there and designed it just so people could come in there and then use the signage on the property to get people out of there. That would make that area safer. The design should prevent north bound motorist on High Street from making an illegal left. Possibly the safest solution would be to eliminate this intersection entirely onto High Street. The signalized intersection at Valentown Road is currently underutilized and the crosswalks not being used. I do not understand why we need to have three entrance/exits onto this property. I will give you a local example. Benderson Development Square Drive Plaza has only one signalized entrance/exit and this includes the Distillery, Verizon, Bed Bath Beyond, DSW Shoes, Michaels and an office building. All use just one entrance. If this entrance was eliminated we could pick up an additional 9 parking spaces at minimum possibly more.

In summary the right in/right out exit onto High Street at Valentown Plaza poses a public safety hazard. Vehicles are making illegal turns and pedestrians are jay walking at this intersection and is chaotic activity all occurs within 100 yards of the very busy intersection State Route 96. Recently installed bollards and new signage at that intersection has been ineffective to solve the problem. People are doing what they want to do. There is a crosswalk and signal light at the east end of the property across from Valentown Road that is currently underutilized and can easily handle the flow of traffic. Please note that this signalized intersection is the only exit is the only one that allows motorists to go south on Route 96.

In conclusion, who would be liable if there was a serious injury at this intersection? Would the business owner that makes their employees park across the street be liable? Would the property owner that knowingly operates a dangerous intersection be liable? Would the Town of Victor be liable for approving this? You have a chance to fix this now for once and for all. Keep in mind that it is highly probable that a motorist may have consumed alcohol before leaving this plaza. Let's not allow anybody to make a mistake or a poor choice here.

Chairman Santoro – You are getting close to your time.

Mr. Anderson – That is fine. There are at least eight people in the room besides myself that probably everybody is going to speak but I will let them make that decision and respectfully thank you for hearing me and I will give you my notes and entered into the record.

Ms. Van Buren hands out pictures of rooftop at New York Beer Project

Chairman Santoro – We are in the parking now. We have not concluded it yet.

Mrs. Van Buren – ok. So you do not want to hear about the...

Chairman Santoro – No, we will go to the seating which is the next item.

Ms. Van Buren – ok. As far as the parking is concerned you have all of my comments on the parking spaces. However, my one comment on the parking is I do see that they reduced the number of parking spaces at the entrance. I don't think any of those spaces should be there. You still have cars backing out into what is considered a main thoroughfare to get in and out of there. It doesn't seem safe to have cars backing into there. I understand that people say that cars back out into a parking lot where there is a road way. It is not a main roadway. These parking spots are unsafe. I appreciate the fact that they have looked at ways to reduce it. I appreciate the fact they have put in more parking spaces. I just think that those parking spaces in that spot should be eliminated. Thank you.

Mr. Snyder – Is this the spot to talk about the dumpsters or are the dumpsters on the next application. Just to clarify.

Chairman Santoro – We can talk about the dumpsters.

Mr. Snyder – One of the things that I wanted to bring to everyone's attention is this just a patchwork of approvals. This has gone back years and years. I have talked about some of the resolutions that were made back at least 10 years ago. Here is something from the Ontario County Planning Board. When it hit County Planning this was there referral. Referral 251-2006 and one of the things they mention in there is they said the existing access drive for Pizzeria Uno was to be realigned with High Street Extension. That was 2006. That hasn't happened. I think that is something that would possibly help out a lot. It is one of those things is do we close this down or do we take it head on and do we throw a light in there. People are going to want to use that intersection. I think that is a reason why during that site plan application. Do you see this odd shape property line there, that is what this was, it was a site plan to divide this from four lots down to three, which it is now. I think that is a pretty safe assumption that is why they angled that line there so that exit point came out over here and not where that median is. That was never

done. I think that is something that would help out. The idea of trying to put signs at these exits saying you can get to 96 from here. Well, someone is going to pull up to that traffic light or that intersection and then they see the sign...now what do I do? I am from Pittsford, I am from Greece and I don't know High Street and Victor. So they make a right and end up in the development or on Valentown. It is just not human nature. I understand the engineering standpoint to put the sign there to tell people what to do. People are get there and it is not going to have the intended purpose that we want. People are going to get to these exits and it is not going to make any sense to them if they don't know Victor. I willing to say a lot of the patrons at the Beer Project are not natives of this area. A lot of them are from Monroe County and they do not really understand it. So I think this is something we need to take by the horns and consider changing that intersection and lining everything up and making it clean. We are already talking about putting a crosswalk in at that intersection and as far as thinking that someone is going to cross at Valentown Road and go up High Street, there is no room for a sidewalk there. That is just ludicrous to even think that that would work. Human nature once again is if they see something across that intersection they are not going to go around the building and all the way up Historic Valentown that is not going to work. People are not going to do that. As far as the actual parking spaces go we have been looking at this for a long time and this is something that I came in front of the Board during the Chase Bank approval process. Back in October 2018, beck in January 2019 when this was approved and I don't want to come up here and say "hey, I told you so" but I was pleading to please look at this before you approve this Chase Bank. We're going to have some parking problems. It doesn't look like it is going to work out and here we are. I hope we can quantify these numbers and once again now what we are dealing with. One of the numbers just stated by the applicant was 370 parking spaces we have there. I want to refer to a letter from Al Benedict to the Planning Board dated January 3, 2019. I have addressed this in the past. He states "as of that date the present requirement is for 394 parking spaces, at that point 331 are provided" it works up to 370 and he's talking about 394. Even what we have on the table here does not work. I appreciate the fact that we did not approve that yet the site plan for the Farmhouse Brewery because I think this all needs to be looked at in general. I want to remind you that Victor Town Code 211-32(a) (1). When you approve a site plan which you will be doing with this and across with the Farmhouse adequate parking must be constructed for the immediate use of the property while land must be reserved for parking expansion should the need arise. Where is the reserved land here? I don't see it on this. I don't see it at the Farmhouse. This is in Town Code and if you do not follow that you're not following Town Code.

Chairman Santoro – We have some discretion in some areas.

Mr. Snyder – With the cross use I am assuming.

Chairman Santoro – Whatever the reason. We do have some discretion.

Mr. Snyder – ok. The numbers do not add up. Basic math. 370 what they are proposing and 394 what Al Benedict said. That's basic math and doesn't even involve common core and it does not add up. As far as the dumpster goes that is going to be a big issue putting that where it is proposed. You have to think at that point. The dumpster is being proposed right here and we have aisle of parking that comes out here. Another aisle of parking comes to that same point. Another aisle from in the front funnels down right there and we are trying to force them out this lot. We have the dumpster. Think of that. The doors on that are going to have to open out into traffic. That pen that encloses the dumpster is 12 x 38 feet. We have a funnel point for traffic, throwing a dumpster out there and on top of that employees are going to be from this side of the building out the back and back and forth up and down this driveway hauling trash to that funnel point. Doors are open where cars are trying to come together. Once again, maybe the engineer says it should be done but stop and think about that. It doesn't make common sense. I don't get it. That is not where it should go. Also with this parking that is on the driveway I appreciate the fact that it has been shrunk down a bit but we are putting more parking right at that funnel point as well. If it does go in I hope you have proper screening. I know one of the possibilities that is noted on there is just a board fence which there are slates in boards. One of the possibilities is noted on there is some type of stone fence if that has to go in I would love for it to be a stone fence to block any type flight that comes thru to my property. Essentially take a look at that intersection up there and consider what the County said about realigning the intersection, and the dumpster goes on the service side of the building. It is obvious. Just put it back there and you can screen it very easily and far as the parking goes if it has to go there I would like it screened with stone just so lights do not come thru and also let's make sure the numbers add up across the se lots and sites. Anything else doesn't work.

Chairman Santoro – Isn't there a dumpster in the back? If yes, what is this one for? *Inaudible* Is it not anticipated that the Beer Project will use that dumpster.

Mr. Cretkos – They cannot use the dumpster.

Chairman Santoro – Just Longhorn?

Mr. Rainaldi - New York Beer Project cannot use that dumpster. NYBP this one is exclusive to them. This enclosure is also to store the pallets or anything else that will be staged.

Chairman Santoro – Is it enclosed yet?

Mr. Rainaldi – The approval is part of this application. Just like all my dumpsters they are enclosed and cladded in the same building material. If it is stone it gets cladded in stone, if its brick it gets cladded in brick. They are beautiful. This one is just for NYBP and this one is for Spoke and Chase Bank.

Mr. Logan – Fred, is it safe to say that the pickups from the dumpsters are at a time where the businesses are not even open? Early in the morning.

Mr. Rainaldi – Pickups have been pushed to 7:30am.

Mr. Logan – So the Beer Project opens at when?

Mr. Rainaldi – They will let customers come in around 11.

Mr. Logan – Is the steakhouse similar hours?

Mr. Rainaldi – Very similar hours.

Mr. Logan – I am saying there won't be much traffic in here when the dump trucks are there.

Mr. Rainaldi – It is all early and because we manage all the facilities we can dictate that. The contracts allow us to mitigate. For instance, when the pickups were happening at 5:30 am they were given one opportunity to correct. They challenged that and it dissolved their contract.

Mr. Logan – It makes me more comfortable about the fact where it is because the trucks will be picking up and opening gates when there is not traffic in the plaza. There will be no business going on at that time.

Chairman Santoro – I saw in the video one of the garbage trucks making a left turn.

Mr. Rainaldi – We have two things going on. There is a standardized pick up and then we have a recycling schedule that will send the trucks, sometimes a full loader or sometimes a pickup truck, to pick up the totes. Those can be on demand. Because it is not as predictable of a load they can call standardized pick up for 7:30 on this site and all the other sites of High Point.

Chairman Santoro – What is the time table for putting up that?

Mr. Rainaldi – All the materials are there. It will start next week. It will take 2 weeks. We are laying stone and brick. So it will take two weeks and the gates have already been ordered from New York State Fence. Once we receive approval tonight it will start tomorrow.

Mr. Logan – Would there be a benefit to closing that off all together as David suggested? Might be a possibility.

Mr. Rainaldi – There are a lot of steps with this current plan. This current plan went thru a unique review with Bergman which was more of a where we are doing capacity analysis, this was a true flow analysis. I would like to institute the changes that are incorporated on the site plan and if there is a condition that exists that I will absolutely come back to this Board and review that with you. I don't want anyone getting hurt on my properties. Period. End of story.

Chairman Santoro – Might be difficult for Chase customers to eliminate that entrance/exit.

Mr. Logan – If you had that right in only then it could satisfy Chase and maybe make some room for few more parking spaces. If you eliminate the right out. Sending people to the Valentown intersection.

Mr. Rainaldi – What I am prepared to commit to is I would like to institute the changes that exist on the updated plan and make a reasonable time of performance and come back and look at that. If there are unsafe conditions then I will come back and correct it. It doesn't even matter what the Code says with the site plan. I have never not responded to a request of this Town. Whether it be Code, this Board or any other Board or administrative team member.

David Mammano at 56 Bachan Dune Rise

Mr. Mammano – Wanted to talk on the other side of the fence as far as being a resident of Victor for 14 years now. I also have a business in Victor for 14 years as well. I have a young family with three kids who are very active in the community. I understand there is some concerns and it is great for them to be able to address their concerns and work with Rainaldi to address those concerns. I know Fred over the years and Rainaldi the company has been very gracious and accommodating. They are a member of the community, not Victor I don't think but in the area, and I think her is here more than most people. From a resident of Victor I wanted to bring up the fact that I represent most people in Victor that love what they are doing. It is like real estate developing in a very artful way. All those buildings are beautiful and thoughtfully designed. I know personally that Fred has worked with the Town to accommodate and be gracious with all the requests. I don't think he has been trying to shove anything down anybody's' mouth here in Victor. For me having a young family, of course I would love for my kids to think Victor is a

cool place to live and I want them to stay here and I think the fact that right now we go to Starbucks, we go to the Sauna place and we go to Northface and go to NWBP for lunch. I see that area developing into almost like a Schoen Place of Pittsford. They have the sidewalk and a great place to hang with your family and walk around and do different things. In my experience with working with them and I have done some things there in the past, has been accommodating, gracious and wanting to do the best. Yes they are a company and of course they want to make revenue for their company but I think they balance that very well with listening to the needs of the community. Once again, there are a lot of developers that will just develop and try to get away with whatever they can build. What I have seen from Fred and his family is really working hard at making what they build very beautiful. You look at those places and have to think that is one of the more beautiful Northface locations in the country right. What they have done with the existing places too. Alex and Ani, the Starbucks. As a Victor resident having a business here and living here I am very proud of what is going on over there. I want to see it to continue to develop in a thoughtful and gracious way. I think that is what they bring to the table and have brought to the table. I am hoping we can all work together parking spaces etc. to make sure this area of Victor continues to be a great place so that my kids think Victor is cool when they graduate high school and college and want to come back and live in Victor. I think there are a lot of families like mine that have that hope as well. Thank you.

George Snyder 304 High Street

Mr. Snyder – Things I am looking at here thru all these meetings we have had with this parking thing. The parking lot is over populated. Not enough room to park. The shared parking everybody is going to be going this way and that way trying to find a place to park. Like it was stated we need the parking on the site for the people that are doing business there. The only way I look at is that it is up to this Board that approved the Chase Bank to take another look at that approval. You go down the street by Panera they just drove a drive up ATM over there. If you put a drive up ATM on that parking lot you will have a lot more parking spaces. You won't have a building there. Put the Chase business in some of those empty spots that he has over there in that development. One other thing, I have to show you. If you're going to do Valentown Road as the main entrance right there is a bottle neck. Everyday an 18 wheeler comes in there to Longhorn to deliver food. That is going to be a bottle neck for that 18 wheeler to come in and out of there. Let alone all the garbage trucks. Thank you.

Mr. Gallina – Not an issue but a question. We have gone thru a few iterations of the parking modifications here. What is the net from the current existing approved design to what we are proposing here? If I am following the math was it from 331 to 370?

Mr. Cretkos – 331 to 370 spaces from what is approved.

Chairman Santoro - Motion to close the public hearing by Joe Logan, seconded by Al Gallina.

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

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

1. A site plan application (the “Application”) was received on May 21, 2019 by the Secretary of the Planning Board for a Site Plan entitled Valentown Plaza Lot 2 & 3 – Parking Expansion (the “Action”), submitted by 46 North Avenue LLC (the “Applicant”) for the property located at 7724 NYS Route 96 (the “Site”).
2. Due to the unanticipated high volume of visitors experienced at the Site, it is the intent of the Applicant to add additional parking areas, traffic control mechanisms and associated utilities at the Site to increase the number of parking spaces, as well as to improve and protect the health, safety and welfare of the public with regard to the Site’s ingress and egress points, as well as within the Site itself.
3. The Application would result in a net increase of 39 parking spaces compared to existing approved site plans for Lots 1, 2 and 3.
4. A site plan was previously approved on April 8, 2014 for Valentown Plaza Lot 3 (3-SP-14), which provided for construction of a 25,000 square foot building, and whereby the Planning Board, as authorized by Section 211-27.1, Paragraph F(2)(d), and footnote 2 of Section 211-32, Paragraph B of the Victor Town Code, authorized a reduction in the required number of parking spaces to 347, in aggregate, for all three lots.
5. The proposed site plan will provide a total of 370 parking spaces in aggregate, across all three lots, thereby exceeding the minimum threshold of 347 parking spaces established by the April 8, 2014 resolution for Valentown Plaza Lot 3 (3-SP-14)
6. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the Site were notified by U.S. Mail. An “Under Review” sign was posted at the Site as required by Town Code.
7. The Planning Board opened a public hearing on June 25, 2019, offering an opportunity for the public to speak on the Application, during the meetings held on June 25, 2019, July 9, 2019 and August 13, 2019.
8. The public hearing was closed on August 13, 2019.

9. The Planning Board has also received and reviewed multiple pieces of correspondence from nearby residents and property owners who have expressed concern over a number of issues including, but not limited to, vehicular movement into and out of the site, lack of parking, and pedestrian activity within and around the site. All correspondence is in the Town's file for the Application.
10. The Action is classified as an Unlisted Action pursuant to SEQRA's implementing regulations, 6 NYCRR Part 617, and the applicant provided Part I of the Short Environmental Assessment Form.
11. The Town of Victor Code Enforcement Officer reviewed the application and provided comments in a letter dated June 17, 2019.
12. LaBella Associates reviewed the site plan and in a letter dated June 21, 2019, offered comments.
13. The Landscape Consultant reviewed the site plan and in a letter dated June 17, 2019, offered comments.
14. The Town's Stormwater Management Officer reviewed the site plan and in a letter dated May 24, 2019, offered comments.
15. The Town of Victor Fire Marshal reviewed the site plan and in a letter dated May 24, 2019, offered comments.
16. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On June 12, 2019 Ontario County Planning Board referred the application back to the referring agency as a Class 1.
17. The Zoning Board of Appeals granted an area variance on July 1, 2019 for a modification to an existing variance to reduce the front parking setback from 35 feet to 30 feet from NYS Route 96; and,

WHEREAS, the Town of Victor Planning Board has reviewed and considered Part 1 of the Environmental Assessment Form, application materials, public comments and environmental record concerning the proposed Action, as well as considered the applicable Parts 2 and 3 of the Environmental Assessment Form, drafted by the Town Engineer, and identified no significant adverse impacts;

NOW, THEREFORE BE IT RESOLVED, that no potential significant adverse environmental impacts were identified with the proposed Action using the criteria for determining significance

identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), and the Town of Victor Planning Board hereby finds and concludes that the proposed Action will not result in potential significant adverse environmental impacts and hereby issues a Negative Declaration; and,

BE IT FURTHER RESOLVED that the Application of, 46 North Avenue, LLC, Site Plan entitled Valentown Plaza Lot 2 & 3 – Parking Expansion, drawn by BME Associates, dated May 21, 2019, received by the Planning Board May 21, 2019, Planning Board Application No. 23-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 in a letter dated June 17, 2019 from Code Enforcement Officer be addressed.
3. That the comments in a letter dated June 21, 2019 from LaBella Associates regarding the site plan be addressed.
4. That any Zoning Board of Appeals conditions 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	Aye
Heather Zollo	Aye
Al Gallina	Aye
Rich Seiter	Nay

Approved 4 Ayes, 1 Opposed

TABLED FROM JULY 9, 2019 MEETING

NEW YORK BEER PROJECT MODIFICATION

31-SP-19

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

James Cretokos of BME Associates and Fred Rainaldi, 46 North Ave LLC

Mr. Cretokos – I will briefly touch on the items that we have completed since the last time we were here which was July 9. We did submit several items to Code Enforcement for their review. We submitted mezzanine roof patio and interior sectioning off plan which shows how the seats will be sectioned off on the upper floors to maintain capacity. We also submitted plans similar for the ground floor elevation for the sidewalk patio showing how some of the seats will be cordoned off inside to maintain the occupancies. We also submitted a permit plan to Code Enforcement for the roof including pergolas specification sheets and the lighting showing how they are compliant with the Town Code. We touched on early when we were discussing Phase 3 Retail about the filters that will be upgraded to help reduce the odors. The last thing I think we have received some neighbor correspondence which indicated the patio was in use although unapproved. We did talk with the town a month or so ago about this and the stance that we were told was that Code Enforcement opinion is that until the application is denied they are allowed to use the patio space. The patio application came as a result of the Code Enforcement requesting us to submit that because they were part of the plans but were not included with the original approvals.

Chairman Santoro – Anything from the public?

Tammy Van Buren 365 Meadowlark Lane

Ms. Van Buren – I am a little concerned at what I just heard that the Town Code Enforcement Officer says it is ok to do it until it is denied. I thought you had to get approval before you did

things like this. Which is why as you can see from the pictures that I have handed out that they have had parties on the rooftop that have not been approved. Now everything I am saying pertains to this site, so please do not take this as I am speaking about the developer in whole or at that I am speaking about all of the developments that are going on in the area. I have a couple of new observations since the last public hearing. This develop and the owners of New York Beer Project seem to be of the mindset that it is better to ask for forgiveness rather than permission. You will notice in the pictures that I provided from the party on July 13 that there is a pergola on the rooftop. They do not have or did not have at the time a building permit for this. I was advised in August 9, 2019 email from Sean McAdoo that the town did not receive the design until August 8, 2019 and did not have the application for the building permit at that time. I know if I had done something like this there would have been consequences. I don't know how it works with commercial development. They have also held parties on the roof top that they do not have approval for. Their approval indicated that this seating would only be used for private parties. The parties that have been up there that I took pictures of are open to the public and clearly advertised on their website. As you can see from the pictures I have provided from the parties on July 13 and the 27 they are clearly violating there approved plan. They say they want to be good neighbors. I really do want to believe them. How can we possibly trust them when they are continually violating their approved plans? There must not be any consequences for this because they continue to do it time and time again. My concern is not with the rooftop seating itself, it is with the possible noise that may be emanating from there. I was advised that we should file a complaint with the Ontario County Sherriff's department if we experience a noise problem again. This definitely would not be a priority on the sheriffs part and by the time they got to our house the music will have most likely have stopped and a waste of everyone's time. I don't have an answer as to how it can be addressed right at that moment if the Town Code Enforcement Officer is not on call. The other concerns about this are possible additional traffic and the violation of their building capacity which they say are addressing. Again I am concerned about if they have gone against their approved plan at this point how many other things might we find along the way that have not been approved. Thank you for your time.

Dave Anderson 359 Meadowlark Lane

Mr. Anderson – I have had a lot of my questions answered her tonight. I am jus going to reiterate one thing I said at the last meeting. As neighbors to this development we do not want to hear noise, we don't want to see or smell emissions coming from the kitchen or the dumpsters for that matter. Most of all we don't want to police it. We do not think that is our responsibility and I think proper planning would prevent that from happening. That is on the bottom of my page 1. I also wanted to say that we want New York Beer Project and all the other local businesses to be good neighbors. I have frequented in some of these establishments so don't get me wrong. I am

not a negative person. I just want to clean this thing up for once and for all. If you flip page over on the back suggested restrictions or conditions, is no additional occupancy should be allowed for this restaurant and patio seating should be allowed if substituted for similar seating inside that has been addressed. No live bands or amplified music should be permitted outside. Doors to patio should remain closed at all times to contain inside noise. Noise and smoke has been addressed. What you see in blue there if for some reason this Board feels compelled to approve this application tonight the above restrictions should be conditions to allow temporary outdoor seating for a period of at least a year and at that point if they can prove to be a good neighbor you can go ahead and maybe grant them permanent use of the outdoor patio and first floor dining area. Thank you for your time.

Chairman Santoro – One of your questions was the charcoal filters.

Mr. Anderson – That was already addressed. I am not trying to waste your time.

Martin Snyder 304 High Street

Mr. Snyder – Once again, this is such a long drawn out process. I am going back to 2014 to the approval that was done on that date. I am taking a look at the minutes from that Planning Board meeting and this building was intended to have a totally different purpose than what it has today. Before I quote this I want to say that I have nothing against Mr. Rainaldi. I went into the establishment this weekend and the food was great and a really nice building and I wish them success. I wish anyone success that has a business here in NYS. I know it is not easy. This is from the minutes from the Planning Board from February 24, 2014 and this is Mr. Rainaldi speaking “this building is vastly different then what was previously approved which is essentially a neighborhood strip plaza. It has the ability to introduce materials stone, brick and substantial green rooftop. Right now it is highlighted green (he is referring to the site plan) to show the fact that it exists there. It is not going to be a low profile bio mass like you see there. It is actually going to be a beautiful grasses and a mix of different thermal vegetation systems that will be quite beautiful and sits almost in the middle of the building as a whole.” This was before the restaurant was proposed. That area on the rooftop as the site plan was approved back in 2014 was for just a retail type use. Not people eating on the roof. That was reserved there, from what I understand, so that you could see Valentown Hall. It goes down a little farther and Ms. Zollo spoke and mentioned she is asking about the view shed and being able to see the historic building from 96. One of our comments from the County Planning Board mentions it because of the height of the building you cannot see Valentown Hall from 96. It has been there for over 100 years and if it cover it from Route 96 I don’t think it is a good thing. You have a very hard time

seeing that from 96, from the parking lot, or if you walk thru the parking lot from different vantage points you cannot really see it. Now we are talking about putting..or actually we have the pergola up there, we are talking about a totally different use then what was presented to the Board when the site plan was approved. I hate to say it but that was one of the things that your findings of fact #4. This was the information that was given when the resolution was made back in 2014 in this series of meetings to decrease the parking to 347. That finding of fact out of that last resolution was just approved that was based on something that did not come to fruition. So that findings of fact #4 is very suspect right now from that last resolution. I just want to say for the records that this was intended to be green space on the top so that you could see Valentown Hall. We have a very unique historical resource here and throughout the whole development there. I would like to see that kept the way it was intended. It is right there in the minutes February 24, 2014 Planning Board minutes.

As far as the seating goes anything out in front, like I mentioned the last time, we are trusting them to self-enforce. Which I know they will have every intent to do the right thing. In a busy restaurant you have people running back and forth and wait staff. The manager cannot sit there with a counter, they cannot keep track of that number. So as far as setting an area aside that keeps it reserved so that you don't have that occupancy I don't see how that could realistically happen. I would like to think it would and they would really intend to do that. No patrons on the top because that was not was represented in 2014 and I don't see a reason to put that out in front cause I don't think it can be enforced in a reasonable way. Thank you.

Mr. Logan – Back when we approved this new building for the site. Originally the approval was for a strip plaza. We never had any elevations from 96 or the intersection at High Street. To tell whether that other strip building would block the view of the Valentown building, which based on the views that I see in Google Earth, the framing is there. You could not have seen Valentown from the building that was proposed across from 96. We did ask Mr. Rainaldi to prepare several view shed phot simulations, which he provided, and the Board was satisfied based on the design of the building. He provided and it showed from the 96/High Street intersection a clear view of the Valentown, which is what you get today. There was an acknowledgment at that time while from 96 you couldn't see Valentown very easily but you could see it as an approach from 96/High Street. The building he put in there is very similar to/if not identical to the one that was proposed. The thing is beautiful and the comments from the gentleman earlier on how Fred has expanded this whole historic Valentown area and developed it really has played on me a long time. I am very happy with the way the plaza has been brought forward and developed. As far as the view of Valentown, I think when you are up on the patio of this building you will be able to get a front row seat looking at that historic structure. Whether or not it is a green roof is a little less important to me than the fact that the neighbors and the

patrons of the building will be able to utilize that as a way to appreciate the historic nature of that site. It is why I first got on the Board in 2001. First person I met in a meeting was Fred Rainaldi Sr. and it was about this vision which is totally different then the vision now from back then but it still came out beautifully. Fred had not had control of this particular site when we were looking at this in February when it was 2 degrees out and looking at the other site. He asked me, Fred Sr., about that intersection. I said I know you don't have control over it because no one was doing anything with this building that had been approved. I said if you want control over it you can buy it. Which apparently he has and fixed it up the way that would benefit the entire community and this historic district and I think he has clearly shown that he has done that.

Mr. Snyder – I agree it is beautiful and agree with all that. I know the rendering that you are speaking of and if you look at that rendering it is like an advertisement that was put together and you stand in the parking lot and it doesn't match.

Mr. Logan – My point was it is the structural shape and size that is appropriate in that rendering. Not necessarily whether or not it was a classy glossy phot. It showed you clearly that you can see Valentown from that intersection. Just so the public understands perspective on the whole development at this site. There are things that can outweigh some negatives and Fred has clearly stated this evening that as we go thru with the reconstruction of that intersection, which isn't cheap, and all the improvements to make it safer. If that doesn't pan out as effective as he wants or the Town would like then he is willing to revisit it.

Mr. Snyder – I would like to see the intent stay the same as what was represented back in 2014 and no approval is made to change that. I would like to see that to stay the same and not have pergolas and things up there that are not approved. Just going on with a blind eye by the Town. I think that lacks Code Enforcement.

Mr. Logan – Your personal opinion. I think it is not a black eye.

Mr. Rainaldi – I want to very quickly respond. The extent that anyone is interested I would be happy to expand on the process of doing what I do. It's an imperfect science but I can promise you I take it incredibly serious. We are performing to the letter of the law, the resolutions and you can test it. I can sit down with you Marty cause you seem to be very interested in the facts. The intent is that that building is the mirror image except we actually took a foot of average off of its height. The pitch to accomplish the green infrastructure which I have now moved to Phase 3, I have some beautiful plans that I will be sharing that there is more surface area, to drain properly would have been higher than the wall of the sound barrier of the patio itself. The view shed from 96 thru to the Valentown Museum has not been interrupted as compared to the prior

proposal. Whether or not the rendering reflected that perfectly is something we can look at. Technology has gotten better and we use it and continue to evolve. The green infrastructure that is critically important to us, I would be happy for Codes to show we have made proposals to bring in this infrastructure and let it live prominently throughout several of the phases. I want to leave some surprises going forward. I would be happy to share with what I have done to capture and reposition what was previously my desire to have part of that. That was a design initiative that was not a condition of any approval. Just to be clear.

Ms. Van Buren – I hope that this Board doesn't think that we are complaining about the appearance of the building or the fact that it fits in with the neighborhood. We are just concerned for the safety and for all of the surrounding areas. I a little disappointed that the owners of NYBP are not here to hear us say that. That we are happy that they are successful. I hope that nobody thinks that are point is to tear it down. Our point is to make it better. Thank you.

Paul Lawatsch 376 Meadowlark

Mr. Lawatsch – I am neighbors with Tab that was here and Mr. Snyder who spoke earlier. Again we have been in the restaurant, we have had the beer and we like the development. Some of those buildings have been empty for quite some time. I guess you're getting some tenants in now and I am sure it will fill up because Victor is such a destination. While we are on the aesthetics and it looks like most of this is getting pushed thru. Marty eluded to wooden boards and headlights and light getting thru there. How about if we are going to funnel eventually if those in and out egress/ingress on High Street don't work out and we do funnel things toward that Valentown Road signal. Making sure there are not a ton of headlight movement there how about a nice cobblestone wall along that whole area of the ravine? You know to fit in to the Northface, Alex and Ani the Cobblestone.

Mr. Rainaldi – I have not put a wood fence up anywhere on this project. My intent was to use the tan filed stone that you see. It will not run the whole length. It will be two feet above what is required. With the berm it will be at or before. It will have some scale. I need a little surface are. We dry lay it.

Mr. Lawatsch –Stone is good.

Mr. Rainaldi – Don't forget that the Seneca Trail access point s are tight there. I want people to be able to see. It will be beautiful on both sides. It will be by the pump station. That is a

beautiful trail. Fleet Feet is going to have some awesome programs. High school has already put a program together. I want it to be beautiful not just when you are this side of it but also when you are looking north. It will be 100% buffer year around with tan fieldstone not cobble.

Mr. Lawatsch – Its natural and nice and not vinyl or wood. It is classy and fits with everything in the area and the natural material. Northface building is beautiful. The main purpose is safety. You saw some of the employees running across the road. The only way you are going to make it safe is either the trolley thing that was talked about or putting a flyover that they can walk which isn't going to happen. It is just a concern. My wife and I walk up to Constellation and they walk past Starbucks. They did a great job too with that store too. When you get winter and cars trying to make that illegal left and they start spinning and then all of a sudden a car comes across the hill at 40 mph. Let's see what happens. Thank you.

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

Mr. Gallina –I was wondering if James or Fred could actually talk us thru the interior control process. I think there is a perception of like one in and you shut down one seat versus what I believe to be the understanding that you cordon off section.

Mr. Cretkos – This is the upstairs plan. As you can see the patio area outside doors to the interior are here. The pergola is here and the string lights are dangling across here. When this seating configuration is being used and available. There are stanchions as well as stacked chairs and tables in this area here that will not even allow patrons into this space. It is completely sectioned off. It is not like the table has a do not sit here sign on it. It is restricted from use. The lower level is similar. In the back tap room where the kegs are in the back. We have a sectioned area here where all these tables are pushed together as well as the chairs being stacked. They aren't usable spaces. They are going to be sectioned off while this exterior space is in use. In addition Kevin and Kelly have committed to identified personnel whether they are floor managers etcetera who are charged with managing, mitigating and enforcing. The other element of that is they have common place for restaurants, hospitality and event venues that have similar situations to have counters. It is common and not unique to this operation at all. The opportunity for additional oversight in regards to the total net count in any of those designated areas will do a number of things allow them to adjust ebb and flow. If the weather is not suitable to be outside it will allow them to acclimate to reactivate the interior. I can promise you that they are taking this seriously. They want to be able to use this and they know there is very real consequences if this process which was originally designed with your Code Enforcement and Fire Marshal in the facility to make sure that the seriousness of this approach is minded. In

addition to that, as I have spent time with my engineers and making sure this is chronicled. I have as property manager and interest and I have a great team that allows for further enforcement. One thing that I am going to do and I will send to your administrative team is I am going to prepare a contact list that includes all my property managers. I am the last call on that number. You don't need to call the sheriff. If there is an issue on that patio I will be there. I have a history of this across our entire portfolio and I respond to medical emergencies. I am the one up with the fire trucks. I am the one up responding too if there are issues or concerns. We just activated the Kodak campus out in Henrietta. It is a monster building and by myself I am walking thru this dark place. I am there and I am present. I am familiar with them and I know how to. Trust me. They do not want to see me there late at night. I am up. I have a three year old I haven't slept in three years. The hope would be that I am here presenting. I don't have attorneys coming to these cause I am the bottom line. I am your enforcement. Use me. 14,000 neighbors at the Culver Armory. I met with every single one of the m all the time. It would take you one second to get my cell phone. Kim would give it up immediately to deflect anything coming in the front desk. I'm joking! I am out here. I am literally landlord and tenant. I am telling you if you want to use me as the expectation setter and enforcement I am willing to be that person. In addition to I have an incredible team. We are the only development firm in upstate NY that has a CPM as principal. It is my Uncle. It is my uncle, my father and myself. We take it very seriously and very proud of our portfolio. I will make certain the contact list is sent to the office first thing tomorrow morning and I expect you to use it.

Mr. Anderson – I recall at the last meeting you asked the applicant to provide statistical data from occupancy and the recent times. Were they supposed to come back with data and I did not hear that brought up.

Mr. Logan – I don't recall seeing it. You were talking about as to having records as to how many people were visiting the store. I think I may have asked if the Beer Project track how many people come and go to check or to get a sense of their level of occupancy. We opened on Valentine's Day and still acclimating to the space. I can prepare numbers but they are going to be changing. It takes in our market it is one of the most difficult things with businesses. It is why a lot of national brands are afraid of here because we react differently to opening. We have been trained differently for a lot of reasons in our community. It would be an imperfect science right now. What I can do in three months say "how we doing there?" I am prepared to come back and say more people are using this than I thought but right now there are people still learning the space, there are people who are regulars and there are thousands of people entering the facility every week and would like a little more time to prepare the statistically significant feedback. I would be happy to track that in perpetuity.

Mr. Logan – What is your time frame for completing the Chase site work? Not opening Chase itself but getting all the parking the way it needs to be.

Mr. Rainaldi – my scope is that we are prepping the site. We are bidding the building. It is likely that I will be building that building. The site work we would like to begin within two weeks. We are letting the Fishers Fire Department practice in there which is going to take about a week. Then I will drop the building and all the site will be leveled. I am controlling 100% to prep. I have also retained the right that for whatever reason we get pushed into a season where I can get formal top down I can put binder to make sure we are using the parking. The improvements immediately the building itself will not be open till Q1 of 20.

Mr. Logan – I suspect there will be a challenge to get good balance on the site from Beer Projects perspective because they may see there is not enough room with all of the transitions going on with between buildings to then have it more of a stable understanding of what the occupancy will be.

Mr. Rainaldi – We are going to scare some people when they see the construction activity. They are going to look at it and say “oh my goodness this is an active construction site” some people will be turned away by that fact. We are going to be quickly entering the fall and winter season which I am not even sure that Kevin and Kelly will be out on the patios. Their run on the patios will be short lived. What we are doing is to try to set the tone and standard. Come spring of 20 we are on the same page and our styles are aligned with the property while the portions of the Chase build are critical for the parking improvements are within our control.

Mr. Logan – This fall at some point you are going to have it that people can park in the new arrangement. Pieces of activity centered around the actual construction. The building will be isolated to that corner of the lot.

Mr. Rainaldi – Never had a company as large as Chase spend so much time, whether it was you scaring them at Planning with regards to the architecture or the fact that they have succumbed to the reality that this is the first modern branch they have built upstate in 16 years. It is highly neat. It looks like a miniature version of the Northface. It is going to be quite beautiful. They have been three times. They used JLL as there project managers to identify where all the staging is. They are concerned over the use of that site. They have been incredible to work with. The team is accessible and the will answer your calls. DPG and JL run like pros. They are monster

firms and they do all the work and are immediately responsive. The staging is going to be highly specific as to not lose parking yield that we have worked so hard to create.

Mr. Logan –Mr. Anderson to answer your question.

Mr. Anderson – They were supposed to come back with statistical data and I would hope they are tracking it somehow. Next question is if a Code Enforcement Officer or concerned citizen went in there and wanted to find out how many people were in the establishment would that be available? Could I go to the back office and knock on the door and talk to Andrew, Tom or Chris or one of the managers and would they know what is going on.

Mr. Logan – I don't know if that is a thing they put out to the public but I am sure if Marty Avila went there they might be able to talk to them about it. Especially if there was an overly crowded appearing scene. I don't know how you handle those things.

Mr. Anderson – Just looking for public safety.

Mr. Seiter – I would like to speak to that question. Fred, in the July 9 meeting Joe had brought that up and he says in reference to this issue “f they are able to track if they are at capacity or not like any business you would want to know what your success is on a quantitative scale. Is there a way for them to produce numbers? Maximum number of occupants at any given time during the last month or the next couple weekends for instance” you said “Yes they track that. They track that actually by department.” Joe said “Could they provide us with some numbers next time you come back?” Mr. Rainaldi “We use that and was part of the capacity analysis, part of the interior design, layout and flow.” Later on you said “They are aware and that is why having that information even when it was only a couple months old was really helpful and putting the enforcement program together and did final capacity.” July 9 you are telling us you had enough information an now you are telling us you don't have it.

Mr. Rainaldi – In July 9 the data we were working off was the total number of patrons entering the floor and they started tracking by department. That number has changed. I have the total number that we use for the capacity plan. I have the total number of bodies in that facility. Every department is changing to the point where what my total capacity is.

Mr. Seiter – That will be true forever then.

Mr. Rainaldi – Restaurants that have been around...

Mr. Seiter – I understand. You said you had that information and use it.

Mr. Rainaldi – We use the total number of occupancy and then we create essentially an algorithm. I can deliver you what exists.

Mr. Seiter – The next meeting it will be different and the meeting after that. So we will never see it.

Mr. Rainaldi – No. I will keep continuing to provide you with the understanding that it is not statistically significant because of how young they are.

Mr. Gallina – Fred, will it be possible to get a total occupancy not by area, not by table but just says on Monday we had 100 occupants. Something that shows by day what the peak occupancy. Something very simple and not where people are allocated with in the facility.

Mr. Logan – Kind of like a traffic count where you have your highest peak hours. If the total capacity is 260 and if it gets to 130 or 200 or somewhere. We are trying to get a sense of how it is being utilized.

Mr. Rainaldi – I can give total accurate numbers and then we can talk about.

Mr. Gallina – I think all we are looking at is totals personally.

Mr. Logan – That may have been the genesis of my concern was the whole discussion was are we adding more people by putting the balcony, patio and the floor seating. We are not going to go over that because we are going to cordon off which you showed and also that you are tracking it to limit people coming in.

Mr. Rainaldi – I can prepare the information but it doesn't forgive the capacity.

Mr. Logan – that is ok. What was our peak occupancy on a given day and have we ever exceeded what we expected. I know it has been popular and busy and the parking lot shows it. Is the parking lot full because there is one person in every car or is it going crazy in there.

Mr. Rainaldi – I can give a total daily breakdown.

Mr. Logan – Peak occupancy at one pm because it was happy hour.

Mr. Rainaldi – I can report that in perpetuity.

Chairman Santoro – Do you need that to consider a resolution?

Mr. Logan – I don't. I think we need to see how it is performing to see if there is anything we have to alert.

Mr. Gallina – Maybe it can be an ongoing condition? Quarterly submission of occupancy. So we can ensure that we are staying within the boundary conditions.

Ms. Zollo – In addition there was some good suggestions made over the course of these discussions that this patio seating be approved for just a period of one year and we can come back and take a look at it. This occupancy plan that you just described to us that we can include that as a condition that the occupancy plan be enforced and that the no live bands, no amplified music be also a condition.

Mr. Rainaldi – I don't have a problem with any of that. So say we pick a twelve month trigger. It would be my hope that unless there was a found issue by the Town it automatically becomes permanent.

Chairman Santoro – Motion to close public hearing Heather Zollo, seconded by Joe Logan. I am going to add some additions to the prepared resolution.

RESOLUTION

Motion made by Joe Logan, 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 New York Beer Project Modification.
2. It is the intent of the applicant to add an outdoor seasonal fenced-in sidewalk patio along the northwestern corner of the existing building, also to include a seasonal roof patio seating area, a dumpster pad and enclosure, a pergola and string lighting on the roof

patio.

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 June 25, 2019, July 9, 2019 and August 13, 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 Town of Victor Code Enforcement Officer reviewed the application and provided comments in a letter dated June 19, 2019.
7. The Town of Victor Fire Marshal reviewed the site plan and in a letter dated June 25, 2019, offered comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 13, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project New York Beer Project Modification, 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, 46 North Avenue, LLC, Site Plan entitled New York Beer Project Modification, drawn by Hanlon Architects, dated June 17, 2019, received by the Planning Board June 17, 2019, Planning Board Application No. 31-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 June 25, 2019 from Fire Marshal be addressed.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. The applicant to provide to the Town quarterly reports of occupancy.
3. Occupancy reviewed after one year.

Ms. Zollo – Are you asking about that particular piece or the things that I mentioned. I just mentioned that we have had ongoing discussions here for the last several meetings. I think the approval should be granted for a period of one year and then we look at it again and see how it is all working out. You said the occupancy you didn't say the approval for the rooftop seating be approved for a period of one year.

Mr. Logan – That is based on the max occupancy.

Ms. Zollo – That needs to be clarified. Too me you are going to look at the numbers and after a period of one year you are going to say ok, numbers look good. What we want to say is...

Chairman Santoro – Reviewed annually after one year including rooftop seating.

Ms. Zollo – Since the application is asking us to grant this pergola, string lighting and rooftop patio that we should specifically say that we are granting approval for the rooftop patio for a period of one year and then will look at it again and make sure that everything is going according to plan.

Mr. Logan – What is the action if it is not.

Ms. Zollo – We deny them the patio.

Mr. Logan –The will have it. It is a matter of can we somehow modify the use.

Mr. Gallina – If the applicant can come back with a mitigation plan then we revisit it.

Ms. Zollo – That would be fine. It should be looked at it again. I think we also need to add that there be no live bands, no amplified music as one of the ongoing conditions.

Mr. Gallina – Make it simple and say on the outside of the building.

Ms. Zollo – I also think this occupancy plan that you just described to us that we put that in the resolution also. The occupancy plan presented at the August 13, 2019 meeting be enforced.

Mr. Logan – I would say implemented.

Mr. Rainaldi – If it is being used it needs to be enforced.

4. Approval of rooftop patio and outdoor patio to be reviewed after one year.
5. No live bands or amplified music on the outside of the building.
6. Occupancy plan to be implemented immediately.

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

Mr. Rainaldi – With the understanding with the use or enforcement of the measures after a year that it then become with the tenant.

Ms. Zollo – If there are no issues after a period of one year and the occupancy issue works and we don't have any music affecting the neighbors it will just continue.

Mr. Rainaldi – All those are still enforceable. I won't be back every year.

Ms. Zollo – we would never do that. We do a one year additional approvals a lot and then after one year we grant it for five years or.

Chairman Santoro – we approve it for a year and if no issues we are good.

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

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

Approved 4 Ayes, 1 Opposed

Mr. Rainaldi – Can I just mention something quick. As part of our High Point Community efforts High Point has sponsored the International training facility at Bristol Mountain and we just won 2020-2021 nationals to be hosted there. It is pretty cool. All the Chinese all stayed in Victor this past January and February and stayed at the hotel up the street.

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.

Chairman Santoro – We are declaring Planning Board Lead Agency for SEQR purposes. Everyone look over that?

RESOLUTION

Motion made by Joe Logan, seconded by Rich Seiter.

WHEREAS, on June 27, 2019, the Secretary of the Planning Board received a Site Plan application entitled Horsepower Motorworks (the “Project”) proposed on the east side of Brace Road; and,

WHEREAS, it is the intent of the applicant to construct a 63,500 square foot building on a 12.5 acre parcel; and,

WHEREAS, the Town of Victor Planning Board finds that the project is classified as Type I Action under State Environmental Quality Review Act, pursuant to the following Sections of SEQRA’s implementing regulations:

Section 617.4, Paragraph (b) (10) – Any Unlisted action, that exceeds 25% of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publically owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR part 62; and,

Section 617.4 Paragraph (b)(6)(i) –a project or action that involves the physical alteration of 10 acres; and

WHEREAS, the Project would disturb 9-acres of land, exceeding a 2.5-acre disturbance threshold created due to the Project site being located substantially contiguous to Town-owned parkland, associated with tax parcel number 28.03-1-38.000; and,

WHEREAS, the Planning Board has found that the Victor Town Board and the Town of Victor Zoning Board of Appeals are “Involved Agencies”, as defined in Section 617.2 of the SEQR regulations, as the Project, as presented, would require several area variances from the Zoning Board of Appeals, as well as extension of the Town’s Consolidated Sewer District by the Victor Town Board; and,

WHEREAS, the Town of Victor Planning Board intends to proceed with coordinated review, as required for Type I Actions, and a Lead Agency must be established prior to making a determination of significance; now, therefore, be it

RESOLVED, that the Town of Victor Planning Board hereby declares its intent to act as Lead Agency and directs the Planning Board Secretary to mail the long EAF, Part I, completed by the project sponsor, and a copy of the site plan application to all involved and interested agencies, notifying them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Environmental Assessment Form (EAF) was mailed to them expressing the Town Planning Board’s intent to act as Lead Agency. Notification will be sent to the Town of Victor Town Board and Town of Victor Zoning Board of Appeals. The Ontario County Planning Board, New York State Department of Transportation, Village of Victor, and Town of Victor Highway Department will also be notified of the pending application as interested agencies.

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

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

Approved 5 Ayes, 0 Opposed

Chairman Santoro – We are the Lead Agency. Cannot do anything for 30 days.

Mr. Tomlinson – Can we provide some additional information to the Planning Board based on our last meeting?

Chairman Santoro – Good ahead.

Mr. Tomlinson – We appeared a couple weeks ago before the Planning Board after going to the Zoning Board several times. Scott Harter came and spoke as well as liaison for the Zoning Board and there were several questions asked by the Planning Board at that time. Paul Colucci representing the ownership is here with me as well. Those questions and some of that information was related to the noise study as well as the Planning Board had not had a chance to review the minutes of the previous Zoning Board meeting. I wanted to address any questions that the Board may have related to those items. I did briefly present on that sound study the last time I was here. In addition there were several concerns raised related to noise and visual from Brace Road. The handout I provided to the Board today has location of a berm and repositioned landscaping along that southern boundary line. So that we could provide evidence to the Board of what we are proposing to do from a visual and additional sound barrier at that south property towards the Serenity House and the nearer residential properties that we are requesting relief from the zoning setbacks. There were also a couple of questions that I thought the Board had the last time we were here that ownership may be able to answer to your satisfaction if those were remaining questions. I know the Board is familiar with the project and I know the Board cannot take action but if there are items that we can clarify while we are here we felt that we should take the opportunity to do so.

Mr. Logan – I wanted to comment on the site plan that you have prepared. I appreciate the change in layout for the retention ponds and the overall water flow across the property. I think with the berm between you and parks it is a much more improved layout and appreciate you responding to that.

Mr. Tomlinson – Paul just wanted me to mention that we have appeared before the Conservation Board and they had some comments on native plant materials but in general had no concerns.

Chairman Santoro – We had a Conservation Board member here but he seems to be gone.

Mr. Tomlinson – Paul was there and can relay anything if you have questions. Paul also met with Parks and Rec.

Brian Emelson Director of Parks and Rec

Mr. Emelson – I am here also with Greg Richards who is the Chair of the Parks and Rec Citizens

Advisory Committee. Initially when we got the packet from the Planning and Development Office we were not going to have a meeting until tomorrow night but Greg rearranged schedules and we did have a meeting last Wednesday August 7. This is an advisory committee and there were three members there and myself and the secretary. There wasn't a quorum so they could not actually act upon any recommendations but Paul Colucci from the DiMarco Group, I invited him to come, share the project with the folks that were going to be there. We discussed the future plans for the park as you all know, we are in the final stages in the update to our Parks and Rec Master Plan that would involve Paparone Park which is currently undeveloped and adjacent to this parcel. I would like to also point out that right across Brace Road we have currently a feature park, Victor Municipal Park that is already in use for a variety of reasons in the community. It is an important parcel to our department because we have parks co-located in this area and anything that gets developed there. In addition I believe the Board is aware that Town is in the process of trying to acquire the lands on either side of Paparone Park. Which are adjacent to this parcel. We talked about what we are looking at and what the community has told us and the updated plan. I will be brief, one of the things that the applicant shared with us that we were pleased to hear. There is a plan to provide a landscape berm from this parcel. There is an existing wood and vegetative buffer from the park. The park plan has wetlands on the north side of the park that we plan to retain as passive area. Although the park in the future would be an active park and would be vehicles utilizing the park. It would be very different than the Lehigh Crossing Park or Fishers Park. This park is being planned to be very active and would contribute traffic to that road itself to be honest.

Mr. Logan – Brian, you mentioned acquiring or actively looking to acquire property. Is that the triangular piece?

Mr. Emelson – Yes that as well as the six acres to the south. The Town Board has currently authorized the Supervisor to initiate, it was in the minutes of a ZBA meeting and public knowledge, to proceed with acquiring those two parcels from the existing landowner. It is also recognized in the Parks and Recreation Master Plan, which is in Draft format now, but there will be a public hearing on that on August 26.

Mr. Logan – I guess we will be interested in hearing how you feel this development impacts the park or the potential use of the parklands.

Mr. Emelson – Based on our discussions and review of this packet we see it not as a typical auto dealership. Based on our discussions with Mr. Colucci the amount of vehicle trips that this project would see would not contribute greatly to my concerns. We have things in our plan to

address getting bicycles and pedestrians from one side of the road to the other to share the park. There is a crosswalk identified in our project. There is a pedestrian sign-age that we do on that and would be in the connectivity portion of the Mater Plan and also updated that does call out for off road improvements, whether it is a shared use path on the east side of Brace Road to connect pedestrians from the Break of Day/Brace intersection Auburn Trail area down into that park. One of the things that Greg had concerns and questions about was just the amount of existing auto dealerships that are on that side of the area and we discussed the term test track concerns about Brace Road being used for that. It doesn't sound like that and Mr. Colucci and the folks at the Horsepower project would have the types of vehicle trips that would contribute to this. We asked them to work with us to help there clientele to control peeling you out in that area because we are good partners to Serenity House too. We are going to host their 20th Anniversary Gala at that park on August 31. As part of a scout project I had we built a handicap ramp to get folks from Serenity House down into the park a couple years ago. We want to be not only honor with Serenity House but also with all the neighbors that live in Dorchester subdivision that utilize the Victor Municipal Park but they will utilize the future Papparone Park once that is developed. That is the priority project in this new plan. We looked at a variety of different projects and hundreds of projects phased out over the course of several years and the Citizens Advisory Committee has identified the development of that Papparone Park as there number one priority. I fully anticipate us to go into in the next year or two conceptual design and acting upon that plan. That being said we talked about the importance of maintaining the vegetative buffer that is already there. The Town is currently developing an Access Management Plan. One if the reasons why it is nice to have a Parks and Rec Master Plan updated at the same time. Recently we have adopted comp plan and also Route 96 property corridor study and Access Management Plan is we can lay these over on one another to make sure that all those plans are in concert with one another and not in conflict. We have done that in our master plan update, which once our public hearing on the 26 we will share this formally with this group. I encourage you to go to the website now. It is quite voluminous it is 200 page document. A lot of thought has been put into it over 18 months. Once again you are welcome to come to the public hearing. We don't have any concerns at this point. Greg is here with me, related to this use of this project as long as it is going to be carried out the way that was presented to us. We can follow up.

Mr. Gallina – We can still capture that at the SEQR process. That is the appropriate vehicle to do it.

Mr. Emelson – This is as I understand to designate Lead Agency. We are pleased to see that it is not going to add the vehicle trips. We see it as mostly something that is going to capture some

storage, some long term housing of vehicles as well as very high end cars. I think that what could go there could be a lot more in conflict with what we have there as a parks and recreation department and investment in our community. The opportunity does present itself in the future should the change the nature of that road and what has been discussed doing, they are prepared to not utilize Brace Road to the south potentially go right out to 96. We see that as viable and would take pressure off of anything coming up that way. From the parks perspective but the reality is we have those two parks already co-located there so. If you have been there on a Thursday night during concert season there is traffic. There is going to be additional traffic with the park located across the street. We want to be good neighbors and utilize the parks on both side that live in Dorchester Park as well as the existing residents along Brace Road.

Greg Richards Citizens Advisory Committee

Mr. Richards – I was there Wednesday night when Mr. Colucci came and gave a presentation to our committee. Our concern as the CAC members, we are the interface between the parks and rec department and the residents of Victor are concern is a Light Industrial project is going to come into the area next to one of our parks. How is that going to impact our park? We asked Mr. Colucci about that specifically thru testing cars and what would the admissions be as far as noise and pollutions and it will be indicated that they will have filtration on their systems and also going to have an enclosed sound proof room so when they are testing their cars in the facility there will not be any noise admissions from the building. Being cars they have solvents, paints and things like that are all concerns of us. Being so close proximity to both of our parks potentially. The concern there that he had addressed was because it is not a full production area they would only bring solvents out on the property on an as needed basis. They will not be storing all kinds of solvents, paints and things like that and will be properly filtered. We also asked him about traffic and because it is a high end business there is not going to be a lot of traffic for customers coming in and out it will be on an as needed basis. He also indicated that they only have about fifteen employees there so the traffic in the morning would be fifteen employees coming in and fifteen employees going home at night. To Brian's point, in the summertime we have our concerts there and there really won't be a conflict of any traffic at that point. Also what was a concern to us is, I know the residents in the area were concerned about this, what you want as a neighbor. Do you want someone who is going to be noisy, a car dealership with a lot of cars going around? I personally live on East Victor Road and every weekend you see cars come by from with little stickers on the side that say Van Bortel Subaru on it. That is a concern of ours and a concern for the parks. I don't believe that will be an issue. Those are our primary concerns and once our committee adjourns will document all that and issue a report.

Chairman Santoro – We will wait the 30 days. There will be ample opportunity for anybody who is here to present your views and ask any questions. We cannot do anything until the other agencies sign off.

Mr. Pettee – One of the things that I had discussed with Kim is that if we get a formal sign off from those other involved agencies we do not necessarily have to wait those full 30 days. If the involved agencies sign off on the Planning Board being Lead Agency we can continue.

Mr. Tomlinson – From a scheduling standpoint it would be of great benefit as we have appeared before the Boards and have gotten quite a bit of input from the Zoning Board and comments from town staff and hopefully will be able to address any town comments and memos of response. We will do our best to get you information.

VICTOR HEIGHTS PARKWAY - LOT R – 90 DAY EXTENSION REQUEST

09-SP-18

61 Victor Heights Parkway

Zoned – Light Industrial

Applicant received approval on August 14, 2018 to construct 25,592 sf flex bldg. for up to 6 individual tenant spaces to include 5 loading docks. Applicant is requesting their first 90 day extension of this approval.

Chairman Santoro – They are just asking for an extension.

RESOLUTION

Motion made by Rich Seiter, seconded by Heather Zollo.

RESOLUTION – Victor Heights Parkway
61 Victor Heights Parkway

DATE: 08/13/19
Appl. No. 09-SP-18

WHEREAS, in a letter dated July 23, 2019, Spencer Read from Mitchell Design-Build requested a 90-day extension of time for application titled Victor Heights Parkway, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the first 90-day extension of time for Victor Heights Parkway.

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

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

Approved 5 Ayes, 0 Opposed

BELL ATALNTIC d/b/a VERIZON

33-SP-19, 07-SU-19

90 Baker Road

Zoned – Residential 2

Applicant is requesting amendment of resolution to conclude the SEQR process by issuing a Neg. Dec within the approving resolution.

Mr. Pettee – This Bell Atlantic resolution in front of you the applicant appeared at the previous Board meeting and we issued an approval however, we forgot to add the SEQR component in that resolution so this almost the same resolution but we have added the SEQR information. Just to clean up the record and what is new is paragraph 11, and it includes the whereas that follows #11 and the now therefore be it resolved. Those are the only new components.

Chairman Santoro – Is everyone all set with it? Motion for Amended.

RESOLUTION

Motion made by Rich Seiter, seconded by Al Gallina.

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.
11. The Town Planning Board passed a resolution on July 23, 2019 that inadvertently left out a SEQR determination prior to issuing site plan and special use permit approval, and the Planning Board classified the action as an Unlisted Action.

WHEREAS, the Town of Victor Planning Board, as Lead Agency, has reviewed and considered Part 1 of the Environmental Assessment Form, application materials, public comments and

environmental record concerning the Proposed Action, as well as completed the applicable Parts 2 and 3 of the Environmental Assessment Form and identified no significant adverse impacts;

NOW, THEREFORE BE IT RESOLVED, that no potential significant adverse environmental impacts were identified with the proposed action using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), and the Town of Victor Planning Board hereby finds and concludes that the Proposed Action will not present a potential significant adverse environmental impact and hereby issues a Negative Declaration; and,

BE IT FURTHER 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:

2. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
3. That a building permit be obtained before construction begins.
4. 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 Aye
Heather Zollo Aye
Al Gallina Aye
Rich Seiter Aye

Approved 5 Ayes, 0 Opposed

RECOMMENDATION ON PDD**HIGHLINE PARK**

7652 Main Street Fishers

Zoned - Light Industrial

Applicant is requesting to rezone two vacant parcels totaling 18.6+ acres on Main Street Fishers from Light Industrial to a new PDD.

Scott Morrell of Morrell Builders

Mr. Morrell – Just wanted to go thru a quick process of why we are trying to rezone this project with the Town Board from Light Industrial to a PDD. We have been getting feedback and plenty of feedback from the Town and also feedback for a lot of projects we have in the area. This project is going to serve two different type of owner or renter. The young professionals in the area we are going to try to assist with the technology oriented type companies. We have a company called Coverwall that is growing by leaps and bounds and up to about 100 employees. One of the things they wanted for the future was to continue to have for recruitment to be able to have retention for young people. Young millennial that could live in the area. That is one of the areas we wanted to serve and also going from a Light Industrial to a PDD a lot of benefits. For instance the traffic calculations are going to have a 76% reduction. The weekly calculations will be from before or at industrial 2841 and we are looking at 1120 so we are going to have big reduction for this use. Also with our lighting with what we are doing, all of it is going to be dark sky compliant and we will not have any commercial lighting at all in this area. The impervious surface areas are going to be a 45% reduction. Previous projects that were brought forth to the Board were 11 acres in impervious area and we are going to have six acres. Stormwater management is going to be reduced by 50%. Previous projects were 2.6 and this will be a 1.3. We have increased in open space and we are going to have 35% in open space. Going thru it really quickly there is going to be 18 single family homes, which are single story, there is going to be 24 townhouses, which are also going to be single story, and then 4 apartment buildings that are going to have 120 units. The nice thing is that it transitions from the west to the east so it keeps a residential component on the west side and moves more towards a commercial component as you shift to the east. We are going to have internal sidewalks within the subdivision. These are also going to be all private drives so that it is not dedicated roads and also storm management is going to be maintained by us. We also want connectivity to the Auburn and Lehigh trails and as of right now we have from the existing neighborhood a 50 foot buffer from where the patio homes are. We have had some feedback and have talked to some residents and our plan of attack is to increase that buffer by up to 100 feet. That is the project in a nutshell.

Chairman Santoro – All we are doing is giving a recommendation to the Town Board since they are the ones that have to do this. I see Ms. Hogan here who has been coming to a lot of the meetings. Any public comments or questions?

Debra Hogan 580 Sour Farms Drive

Ms. Hogan – Between myself and Richard Allen, who is my next door neighbor, we are definitely going to be the most impacted by this project. I have met with Jeff Morrell already ahead of time. I want to say that I am about 90% of the way there. I really appreciate the fact that it's not going to be a warehouse, not going to be a call center, single story homes there are many good things. I also am the president of our Victor neighborhood association and I have been talking to my neighbors and collecting input. So there is really only say two concerns you will hear. One is the density of the apartments. We are concerned about traffic, no surprise to you guys. I pulled out all of my Conserve stuff and I looked at it and that intersection at Phillips was already a C two years ago and we have had nothing but increased traffic so even though there is a moderate amount of increase here it still will have an impact on that intersection. That intersection is a disaster. It is backing way way up and I ask you to come over any day you want around 4 pm -5 pm and you cannot get thru Phillips to go up towards 96 because traffic is backed up. So this is definitely going to have an impact. We would love to see less density there and that is the bottom line on that. I guess the other question we had is I requested from Victor what is a PDD. I wasn't familiar with that. What I saw in the Victor regulations was that indeed this could end up as a Light Industrial. There is a lot of gray and what could go into a PDD. The residents were like this is all residential and why is not just being zoned residential? That is what we would like to see.

Chairman Santoro – They do PDD to get the units closer together. They do not need all the land that it would.

Ms. Hogan – That is kind of what we figured. I mean it goes back to our concern around the density of the apartments.

Chairman Santoro – Well it will not be Light Industrial if this is approved. It will be PDD.

Ms. Hogan – So let's say what Jeff told me is they are going to build out the townhouses first. Probably only build one of the apartment buildings. They will not have the money to do the whole thing. That makes sense. So they start getting some income then they come back and add

the other buildings and that's fine. He said two cycles maybe three. We can deal with that. The concern I have is the economy goes crazy and something happens and they put the first apartment building in and in a year later they are like "hey we need a warehouse in here or maybe a whatever whatever, office building" we just don't want bait and switch. They say they are not about bait and switch that is not what we are going to do. But I also just sat thru three and half hours of people saying "gee in 2014 you guys approved this but now they are doing this" I want to secure our future and the way to do that is up front. I know that from my experience from having been here a million times. Those are my comments. The other thing is which apparently jack Marren said, which I appreciate, was moving that left hand side to give us more space which you heard Scott said 100 feet. I am still lobbying with Scott and Jeff to say a little bit more and make your cul-de-sac a little bit smaller and give me 125 or 150 and I am much happier. Thank you.

Erika Sharp at 429 Fishers Road

Ms. Sharp – we were told before when the Morell's tried to do it at Lehigh with their apartments and everything and everyone knows it can handle the traffic. The traffic isn't going to go to 96 it is going to come to Log Cabin or..someone's glasses are here...they are going to come to Fishers Road and already there are speeding down those roads. We rather have the businesses there and it is zoned Light Industrial. We were told that this was going to be the Light Industrial corridor. I don't know but do you have septic tanks on Sour Road. Why let this density thing go in. If they want to build houses, build houses like they have on Sour Road with the septic tanks, which means bigger lots and less houses, less traffic. I mean right there with the number he's got, he has all sorts of people. Right across the road the sports center is going to build hotels and other things there. There is a lot of traffic coming out from them too. They are coming out right there on Main Street also. Like my neighbor said "if you keep it Light Industrial you have a better tax base and industrial base is better" If you go to this our taxes are going up. Because we have to support all these people in the apartments who are not paying property taxes like we are.

Chairman Santoro – It's vacant now.

Ms. Sharp – Yes..but...

Chairman Santoro – It will be a lot more....

Ms. Sharp – Someone owns it and they are paying taxes on it just like we pay taxes on it.

Chairman Santoro – It will be more taxes with buildings on it.

Ms. Sharp – If you have houses the houses are paying good taxes too aren't they?

Chairman Santoro – These are houses and four apartment buildings.

Ms. Sharp – They have sewers. If you had septic like everyone else in Fishers has you would have less houses but you would still get tax money.

Chairman Santoro – You were not here for the Conserve application.

Ms. Sharp – Is that the one in February?

Chairman Santoro – A couple years ago. They wanted a 100,000 sf building and 1,000 parking spaces.

Ms. Sharp – I remember the 24 hour thing. Ok no that is not acceptable. Well look at the business they put in up on Lehigh. They wanted that FLCC thing on Lehigh and everything. It has a nice place over on 251 and when 251 was closed for repairs and all that traffic came thru Fishers you couldn't even cross the street. There is a crosswalk there for the trail. Like I say, I think the apartments, no one likes the apartment idea and I think the density too. Less houses.

Chairman Santoro – We are at the early stages here. Things do change over time. We will see.

Ms. Sharp – Then I heard someone say Kim...is this Kim Kinsella? *points toward person in first chair*

Chairman Santoro – Yes that is Kim.

Ms. Sharp – I tried to call you today.

Ms. Kinsella – I just got back from almost 2 weeks' vacation so I am a little behind.

Ms. Sharp – So maybe if I catch you out the door I will just ask you a five minute question. That is all I have to say and most of the people I have talked to all the way down on Fishers Road, on Log Cabin Road and on Main Street no one is in favor of it.

Chairman Santoro – They should make their feelings known. They should either come to a meeting or send something in writing to the Planning and Zoning Department.

Ms. Sharp – I have signatures at this point.

Chairman Santoro – It doesn't tell us what they are thinking.

Ms. Sharp – Ah. Okay. I will let them know and try to be back.

Mr. Pettee – I am just going to respond to the comment about the septic systems. This property is in the Town consolidated sanitary sewer district so if it is developed, my understanding is, any development there must connect to the Towns sanitary sewer system.

Ms. Sharp – Business on Fishers Run and all that and the same story you used before on Lehigh was that they needed the apartments for all the people who are working there. Most millennials do not stay at a job forever and they don't raise their family because they are moving around for the better pay.

Mr. Tomlinson – Just to touch base on the PDD which Wes can back me up. We are right in this PDD specific for the project so it would not allow for a warehouse to be put in there. It doesn't give a blank slate for the Morell's to build something or different product. Anything that would change the use from the residential that we are proposing would require us to come back thru this process and reopen for public input as well as Board input if something like that changed.

Ms. Sharp – Aren't there going to be apartments up at Valentown?

Mr. Logan – Yes, part of High Point.

Ms. Sharp – Two cars per apartment building and you have all those apartments there. Millennials cannot drive 5 minutes to work.

Chairman Santoro – I think these are going to be a different price range than the ones on top of the hill.

Mr. Morrell – Our focus is for the millennials and having a rent structure and the number of units curtail to that so you can have a price effective apartment complex. That is our thoughts and

reaffirming when it comes to traffic calculations. There is a big reduction between industrial and what this PDD and project would have.

Ms. Zollo – Can you tell me how many stories you are planning for the apartment buildings to be?

Mr. Morrell – Three stories

Ms. Zollo – Three stories, okay. We will have to make sure that is something our Fire Department can handle.

Mr. Morrell – If you look at the parcel from Main Street Fisher it escalates in grade and we have put the units further towards the back of the property. For the view point from the roadside it would be lower.

Mr. Logan – Its lower. The further back you go the more it drops off. I was remembering what Conserve did and they had a hill.

Mr. Morrell – There was a reason we placed those there.

Ms. Hogan – Jeff did tell me they plan to follow the train which I also think is nice because Conserve was going to go in there and level. The renderings they should me made me feel much more comfortable that it will be a residential area. Like I said, if they had two story buildings I would be happier and maybe we can work a compromise here. It is way better than having a call center with 1,000 people. It is way better than having a warehouse 24/7. If you think there was traffic then. I am just saying they are trying to work with us and I do appreciate that.

Chairman Santoro – This will be on again. You will have another chance to speak.

Mr. Gallina – Is there some action on our part to be in on this?

Chairman Santoro – We are supposed to give recommendations.

Mr. Pettee – There are 11 criteria that we need to comment on to the Town Board. We can begin to draft a straw document for you to digest and consider and to add or edit at future meetings. If you have some initial comments now I would be glad to hear them or if you want to send them to myself or Kim's office we can start drafting something together. You have mentioned that you are working on the regulations drafting itself like the PDD requirements.

Mr. Tomlinson – It is part of the application that we submitted to the Town Board that was accepted as complete. We would solicit the Boards input so we can address any comments and go back to the Town Board as we pursue this. There is also a section of Code with a bunch of blanks in there for dates and so on.

Mr. Logan – An alternative instead of a PDD is rezoning it. This is one way to rezone without actually rezoning the project as a...

Mr. Pettee – What they are proposing here probably does not fit neatly within the Towns Residential 2 zoning district or Residential 1 or Residential 3 zoning district. I think that is why they are proposing this as a PDD because they have a mix of different types of housing that wouldn't traditionally be allowed in the straight forward kind of straight suited R1, R2, and R3.

Mr. Tomlinson – PDD are typically used in transition area similar to how this is. There is also several others PDDs in the area. This is not out of keeping with the zoning in this general area either. As a transition uses I think it works very well along this area of the corridor.

Chairman Santoro – That hard line between Light Industrial and Residential is really tough.

Mr. Pettee – What I can do is to begin to put that draft 11 criteria together for you to look at and then we can work on formalizing that recommendation. The recommendation resolution. The resolution would not be ready for the next meeting since I believe there is a significant amount of dialog to be had with what you want in your recommendations.

There were no other discussions.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 10:26 PM

Lisa Boughton, Secretary

