

A regular meeting of the Town of Victor Planning Board was held on Wednesday, August 28, 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, Bernie Donegan, Peter George, Troy Bradford, Justin Hurlbert, Conor Gallagher, Mike Campoli, Jeff Thaler, Fred Rainaldi, Peter Gorman, Joe Hurley, Jared Lusk, Ed Kahovec, Susan Stehling, Abby Gallagher, Katheryn White, Enrika Sharp, Paul Colucci, Glenn Thornton, Rane Christopher, Felix Christopher, Scott Fiske, Debra Hogan, Zach Poole, Alyssa Poole, James Cretekos.

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

On motion of Rich Seiter, seconded by Heather Zollo

RESOLVED that the minutes of August 13, 2019 be approved.

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

Approved 5 Ayes, 0 Nays

CORRESPONDENCE

- Thomas Wager re: Song Hill Winery

- Robert Klein re: Song Hill Winery

BOARDS & COMMITTEE UPDATES

Town Board represented by Councilman Ed Kahovec

- August 26, 2019 Town Board meeting
 - Our Town Historian, Babette Huber, is making a recommendation to the Town Board which is not official yet but coming down the pike where there are about 101 high importance historical structures that are 50 years or older in the Town of Victor. What she is asking for is to make a recommendation that as any kind of projects are done with those specific that they come to the Planning Board and specifically the Architectural Review Committee so that they keep the historical integrity as they are planning any kind of additions or adjustments to that. She will make a proposal to the Town Board. Strong poll is that we are mostly in favor of that happening.
 - We had two public hearings that will impact you in some way, shape or form in the near future. The amended the Parks and Rec Master Plan and no that is part of the Comp Plan. That was added in and I talked about that in a previous meeting. Again, instead of saying 2007 it will say the Parks and Rec Plan of 2019. What that involves is a full inventory of all the parklands and all of the things they want to do from a project improvement, etc. and including a rec center that is on the board as one of the project's that they are proposing. The second public hearing is proposed Access Management component for Town of Victor comprehensive plan. Local Law was adopted, Chapter 55 Access Management to the Town Code. Local Law to amend Chapter 184 Subdivision of Land of the Town Code. Local Law to amend Chapter 211 Zoning for the Town Code and the adoption of the official map for the Town of Victor. There was a project that was headed up and looked at all of the things that they talked about from an Access Management so where a curb cut be and how a curb cut should be, how far apart they should be. That has been adopted now and then as people come to you with projects and plans that will be a guideline for what we are looking for from an Access Management for all the roadways and materials or main highways that go thru Victor.
 - Last but not least, this is my last meeting with you this time. I rotate out and Mike Quinan will rotate in. Thank you.

Planning Board reported by Kim Kinsella

- September 10th meeting

- Public Hearing
 - Strong Barn located on 7546 Lower Fishers Road, requesting approval to construct a 1,500 sf barn for personal use and is in a LDD District.
 - Neikam Turnaround Driveway located at 6757 County Road 41, requesting an approval to allow existing neighbor's driveway to remain. The existing neighbor's turnaround does not meet the 10 foot separation from the driveway to the property line.
 - Target Drive Up Sign located at 7500 Commons Blvd, the applicant is requesting approval to install sign-age for a drive up service. It consists of one 12' solar powered internally illuminated drive up sign.
 - Piper Meadows Final Subdivision located on High Street, you have seen that at the sketch plan stage and at the preliminary stage and this would be the final subdivision. Applicant is requesting approval for a 41 lot subdivision on 41 acres.
 - Edmunds Deck – 90 Day extension, located at 7745 Pepper Hollows Drive, applicant received approval last August 15 to construct a 170 sf elevated deck with stairs accessing to the back yard. They did not pull their building permit so they need to come in for extension of time.

PUBLIC HEARING

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

SONG HILL WINERY – FESTIVAL EXTENSION

34-SP-19

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.

Conor Gallagher of 521 County Road 9

Mr. Gallagher – On August 14th of last year this Board approved a site plan for a one year period allowing our farm to hold up to four festivals per year with the following conditions. The event hours not go beyond 7pm, that any complaint be resolved within 10 days, any event lighting would be code compliant, that the temporary signage be removed during non-business hours, public health safety and welfare be protected, that we would conform to applicable regulations and that there be no street parking. We have held two festivals since that time with about 40 people or so each time and they have been successful without incident or complaint that I am aware of. The only change to the property since last year's application is that we have installed

and received a Certificate of Compliance from the Town for a handicap accessible bathroom. Today I am requesting a renewal of the site plan for a five year period with the same parameters and conditions as last year.

Chairman Santoro – Anyone from the public have any questions or comments? One of the correspondence we have was from one of your neighbors who says there has been no difficulty with you conducting those festivals.

The Board had no questions.

A motion to close the public hearing was made by Joe Logan, seconded by Rich Seiter. The public hearing was closed.

RESOLUTION

Motion made by Al Gallina, seconded by Heather Zollo.

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

1. A site plan application was received on July 09, 2019 by the Secretary of the Planning Board for Song Hill Winery Farm Festival.
2. It is the intent of the applicant for renewal to hold festivals up to 4 times per year in order to direct market their ag products to the public. The events would take place outdoors seasonally between hours of noon to 7pm and limited to 100 people or less.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on August 28, 2019 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action under the NYS 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 August 7, 2019 Ontario County Planning Board referred

the application back to the referring agency as a Class 1.

7. The Codes Dept reviewed the project and forwarded comments dated July 25, 2019 to be adhered to.
8. There was a Coordinated Fire Service Site Plan Review on July 11, 2019 with comments forwarded.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 28, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Song Hill Winery Farm Festival will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Conor Gallagher, entitled Song Hill Winery Farm Festival, received by the Planning Board Secretary July 09, 2019, Planning Board Application No. 34-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That hours of festival would not go beyond 7:00 pm.
2. That the site plan approval will be for five (5) years and will be rescinded within 10 days of the filing of a formal complaint to the Code Enforcement Officer, if said complaint is not resolved within that 10 day period.
3. That in the event lighting is desired, it will need to be code compliant and possibly be required to be reviewed by the Planning Board.
4. That any temporary signage be removed from the site entrance during non-business hours and shall not be placed within the right of way per Town Code.
5. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
6. The proposed use conforms to all applicable regulations in the district which it is located.
7. There shall be no on street parking during the events.

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

Chairman Santoro – Rather than spring this on you but in future meetings we are going to ask for you to put forth your reasons for the vote. Make a record in case there is any problem in the future.

Ms. Zollo asked for clarification

Chairman Santoro – At future meetings when we have resolutions I am going to ask that you explain your vote. For instance on an approval it could be as simple as project meets all the codes and requirements and that is all. No will require a little more but I think it is for the benefit of the Board and the public that everyone know what everyone is thinking.

KETTLE RIDGE FARM – POLE BARN

35-SP-19

515 Log Cabin Road

Zoned – LDD

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.

Joe Hurley of Kettle Ridge Farm

Mr. Hurley – I made introductory remarks a couple weeks ago so I am not going to repeat those unless you would like to hear those again.

Chairman Santoro – Not only did we hear them we also read them in the minutes. Anyone from public have question or comments?

The Board had no comments

A motion to close the public hearing was made by Joe Logan, seconded by Al Gallina. The public hearing was closed.

RESOLUTION

Motion made by Joe Logan, seconded by Rich Seiter.

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 Kettle Ridge Farm – Pole Barn.
2. It is the intent of the applicant 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.
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 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 August 07, 2019 Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 28, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Kettle Ridge Farm – Pole Barn, 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 Kettle Ridge Farm, LLC, Site Plan entitled Kettle Ridge Farm – Pole Barn, drawn by Thornton Engineering, dated June 19, 2019, received by the Planning Board July 09, 2019, Planning Board Application No. 35-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 7, 2019 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer, dated August 9, 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.
2. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
3. That a building permit be obtained for the pole barn prior to installation.

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

Mr. Pettee – Just a real quick amendment to the resolution. Condition #2 currently reads that Labella’s letter is dated August 8th, to clarify the LaBella letter is dated August 7th

TABLED FROM JUNE 25, 2019 MEETING

BELL ATALNTIC d/b/a VERIZON

24-SP-19, 05-SU-19

7385 Willowbrook Road

Zoned – Commercial/LI

Applicant is requesting approval to construct two wireless telecommunications concealment shrouds and associated equipment on a new 43 foot tall wood utility pole.

Chairman Santoro – We were waiting for County comments which we received. We were also waiting for Zoning Board of Appeals resolution for a variance which you received on August 23 2019.

Jared Lusk of Nixon Peabody

Mr. Lusk – I discussed the project at the last meeting and you summarized it correctly. I would ask the Board to approve the project as submitted. There were no public comments at the last meeting.

Chairman Santoro – Anyone in the public have any questions or comments?

The Board had no comments

A motion to close the public hearing was made by Joe Logan, seconded by Al Gallina. The public hearing was closed.

RESOLUTION

Motion made by Rich Seiter, seconded by Joe Logan.

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

1. A Site Plan and a Special Use application were received on May 21, 2019 by the Secretary of the Planning Board entitled Bell Atlantic d/b/a Verizon – 7385 Willowbrook Road.
2. Applicant is requesting approval to construct two wireless telecommunications concealment shrouds and associated equipment on a new 43 foot tall wood utility pole.
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-feet of the project site were notified by U.S. Mail.
4. The Planning Board held a public hearing on June 25, 2019 and August 28, 2019 at which time the public was invited to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to 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 June 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 May 31, 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 June 21, 2019 and had comments.
11. Applicant has agreed to comply with Section 211-47 (D)(1)(e), Removal of obsolete/unused telecommunications facilities, of the Victor Town Code

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, West Henrietta, New York, Site Plan entitled Bell Atlantic d/b/a Verizon located at 7385 Willowbrook Road, drawn by Erdman Anthony, received by the Planning Board Secretary May 21, 2019, Planning Board Site Plan Application No. 24-SP-19 and Special Use Application No. 05-SU-19 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That a removal bond be provided at the time of the issuance of the building permit.
3. That a building permit be obtained before construction begins.
4. That LaBella Associates letter dated June 21, 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

Mr. Lusk – I want to confirm that we addressed that the Twon Engineering comments at the last meeting, I wanted to confirm that there were no outstanding issues with that.

Mr. Pettee – It looks like we had three comments. One was to provide a signature block on the plans set. Two was the removal of the telecommunications facility, you have addressed that. Property line setback, you have addressed that at the Zoning Board of Appeals. That is fine. What I will do for the Towns file and for your records is to provide a follow up letter indicating that our comments have been addressed.

Mr. Lusk – Thank you.

TABLED FROM JUNE 25, 2019 MEETING

SURMOTECH – PARKING EXPANSION AND SHED

28-SP-19

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.

Mike Campoli of Surmotech

Mr. Campoli – We were here last time and we gave the drawing proposal of what we were planning on doing. We were going for a purchase of 20 feet of land from the 820 Phillips Road and yesterday I brought to Lisa the signed document of the purchase of that land so we can move forward. I think that was the last item the Planning Board was looking for.

Chairman Santoro – Anyone from the public have any questions or comments?

The Board had no comments

A motion to close the public hearing was made by Joe Logan, seconded by Al Gallina. The public hearing was closed.

RESOLUTION

Motion made by Joe Logan, seconded by Rich Seiter.

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

1. A site plan application was received on June 03, 2019 by the Secretary of the Planning Board for a Site Plan entitled Surmotech – Parking Expansion and Shed.
2. It is the intent of the applicant to expand their parking lot to the property line in front of their building, increasing parking from 32 spaces to 61 spaces. Applicant is requesting to add a 16' x 40' shed in the southwest corner of the lot.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on July 9, 2019 and August 28, 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 July 11, 2019.
7. Labella Associates reviewed the site plan and in a letter dated July 9, 2019, 2019 offered comments.
8. The Town of Victor Fire Marshal reviewed the site plan and in a letter dated June 10, 2019, and June 27, 2019, offered comments.
9. 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.

10. The Zoning Board of Appeals granted an area variance on July 15, 2019 for a modification to the drive aisle width reduction from 26' to 20' and a Sprinkler Waiver for a 16' x 40' foot shed.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 28, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Surmotech – Parking Expansion and Shed, 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, Surmotech, LLC, Site Plan entitled Surmotech – Parking Expansion and Shed, drawn by Maier Land Surveying dated May 2, 2019, received by the Planning Board June 3, 2019, Planning Board Application No. 28-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 July 11, 2019 from Code Enforcement Officer be addressed.
3. That the comments in a letter dated July 09, 2019 from Labella Associates regarding the site plan be addressed.
4. That a signed document stating the sale of 20 feet from SwiftLift to Surmotech be provided prior to any signatures.
5. 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 Aye

Approved 5 Ayes, 0 Opposed

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 Cretekos of BME Associates

Mr. Cretekos – Wanted to give a brief update of things we have done since the last meeting. We are in receipt of letter from Code Enforcement Officer and assuming everyone has had a chance to read that. We are in agreement with the statement made in that letter. However in addition to that memo Fred wanted to give the Board a level of comfort in regards to the parking.

Chairman Santoro – I don't believe the public has seen the memo. We have but Marty want to tell us about that.

Mr. Avila – We issued a memo to the applicant regarding the parking in the Historic High Point Retail Phase 3 PDD. Basically stating that the proposed parking as it stands right now and as it is approved on the original site plan is compliant with the PDD Zoning Code requirements. That the modification that they are requesting will not alter per Code the requirement for parking and so therefore the modification is also compliant with the current PDD code. Basically the tenant proposed for that are also meets the uses for that PDD. It was much more detailed but that is the general overview. Any questions as to the reasoning of that letter?

Mr. Gallina – No but thank you for completing that analysis.

Ms. Zollo – It was helpful.

Mr. Cretekos – In addition to that memo we still want to provide the Board with a level of comfort regarding the parking out here for the entire area including the current parcel we are looking at the application for. Thru efforts completed this last weekend between our office and Bergman Associates we did do a parking utilization study that was submitted to the Town yesterday with a cover letter from our office. Basically what we did was we looked at all these properties and parking spaces associated with the retail components of High Point Development. There is a total of 451 spaces, I believe, basically we counted all the cars in the parking lots in between the hours of 4 and 9 pm on Friday and Saturday then we determined what the remaining uses would be per the code requirements and the Town Code to determine the amount of additional parking spaces we would need beyond what was observed during the peak hour. Thru that analysis included in that report it shows that there is an additional 77 spaces between all these properties. The peak hours were generally around 6:30pm which basically peaked around the same time as the Olive Garden which was the primary user as well as some of the Northface lot here. There were a couple of other questions that were raised at the meeting last time that we did want to talk about. I know the Board requested us to bring in some imagery of the Neon Wave and Neon Wave Kids, we did bring some in.

Mr. Rainaldi – I will be brief, but I wanted to elaborate on the form and function of the tenants for buildings A and B. Focusing on B as the tenants will be open very soon. The majority of Building B is comprised of specialty athletic goods. Fleet Feet sports, those who are not familiar, is one of the largest running stores in the country. My favorite thing about them is they are hyper-local so they also own Yellow Jacket Running and other organizing entities that actually perform the runs. It is a really cool format as it is a gathering spot and they also launch projects that a lot of other stores may not have. It is neat to have that in the community and have already formed relationships with the schools and run clubs and High Point proper has over ten miles of hiking trails on its 100 plus acres so they will be able to enjoy their resources right on the site. I brought Neon Wave and Neon Wave Kids which represent the entire back portion of Building B. About two thirds of the building, is Neon Wave and that is adults and then Neon Wave Kids is in the back. I actually own both stores. This is a surf inspired boutique for men, women and children. In addition to providing brands that have great commitments to sustainability. We are a high level partner with Patagonia. To have that relationship... I don't just sell the goods but participate in all their local activations and they will be bringing some pretty fantastic resources and doing a presentation on November 9th event. The show will be

locally for the environment. In addition to clothing we will sell surfboards, snowboards and other specialty goods that support those activities. The children's store represent the back third of the space will be reminiscent of the adult store but will have a little more programming and have relationships that will communicate with Bristol Mountain and other facilities to help people get out to those environments. The neat thing about the kids store is that it has a pretty established education platform with some awesome partners. Haley & Aldrich of NY which one of the most respected environmental agencies we will be partnering with us to launch an environmental education program thru here. It is retail meets responsibility and again all the brands have to have a significant commitment over 80% there product offerings have to have zero carbon footprint.

At the last meeting I had also mentioned I was going to elaborate a bit on the function of the Farmhouse Brewery which represents the space here. Farmhouse is owned by a farmer named Marty Matrozzo from Owego, NY is a small format hyper-local tap room where the attendance is driven wholly by the uniqueness of the craft. You will have an opportunity to meet him and he will be present here which is pretty awesome. Essentially it is about 20-40 varieties of all NY drive ingredients that evolve weekly. So people who come in are attached to the presenter, who is the bartender and are being educated on the craft and the process. In there the barrels will have grains, talking about the process and is always current and rhythmic. It is pretty fantastic and I have gone there several times to understand what exactly the goals were and his space is quite beautiful. It is a mixture of stone and reclaimed wood and a lot of derivate materials. The sensory, the smell, it is captured small space so you can control all the elements fairly well. It has beautiful glass on both sides and the light changes so dramatically. If you drive up there and watch it cascade thru as the day passes. It is a pretty awesome collection of tenants and I will be happy to elaborate on any and all.

Chairman Santoro – Thanks Fred.

Mr. Logan – Fred, I have to ask. What is with the birds in Neon Wave Kids? The pink bird and all the different ones.

Mr. Rainaldi – This is created by an artist who focuses on children seduction that I met with my son. I brought my son to an event in Miami for New Year's last year. A big art fair. It was just as he was finding his legs and he disappeared quickly and I turn around and he's playing with these creatures. The creatures, Nicole and myself, were fascinated with them. On a whim I reached out to the young lady and asked if she would ever consider working with him to activate a store. The store has great commitment to sustainability. I am focusing on a project right and have a small window to help you out. She is actually creating these custom to our space and

only exist at three places on the globe. She is curating an entire build out. It is essentially a imaginary creature that causes thought. When you see them populated together it will be more obvious. They are spectacular. They are fun and vibrant, the materials and every square inch of the surface area is meant to be interfaced with.

Mr. Logan – That is interesting. I did not know what that was all about. Thank you.

Mr. Rainaldi – What we are going to do because she is so sought after we are putting these on a rotation program with the museum of play. We will make them accessible to the community. She has the license required so that she can mass produce these. She will be here November 9th.

Mr. Pettee – Just a quick question. You probably already answered this question but I wanted to confirm. The tap room. There is no brewing operation there at the tap room?

Mr. Rainaldi – There is no brewing on site. We are actually going to help build an interim facility in Bath. Everything is brewed in Owego, which is near Binghamton. We are going to create and interim facility in Bath and then the kegs are brought up to a cooler that will work with the tap wall and that gets interchanged. We designed it for them and is more user friendly than the one they have now in Owego. Unfortunately because of the Code that there is so much requirements of bathrooms and other things there is really not a lot of space in there. We are using every square inch to push the craft and education. No brewing on site.

Chairman Santoro – We do have a resolution for this.

RESOLUTION

Motion made by Joe Logan, seconded by Rich Seiter.

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.
2. Any use of the patio space shall not be used for amplified outdoor entertainment.

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

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.

Paul Colucci on behalf of the applicant with also Pete Groman from Marathon Engineering

Mr. Coluci – I know we have presented to this Board several times for concept review back when we initially came before you with the project and then at an initial Planning Board meeting subsequent to those meetings there was a designation of need for coordinated review under SEQR. You had sent out the request to Zoning Board and Town Board for concurrence on Lead Agency status, I believe both of those Boards have returned correspondence back and you are the Lead Agency. I don't intend to go in a lot of detail only to state that we did respond to Town Engineer comments, responded to County comments and returned that back to the Planning department. We have made a couple minor changes to the plan based on some interaction we had with this Board and the Zoning Board. One of those items was to add a landscape berm which we have depicted in the revised plans on the southeast corner to buffer the adjacent residential properties. Also we had submitted a noise study that was the subject of some review of the Zoning Board and was reviewed by the Town Engineer. With that we are happy to answer or go in to detail any questions. Our hope is tonight you can make a determination on SEQR so that we could go to the Zoning Boards and there next schedule meeting for decision on the variance we have put before them for consideration. The last time we were at the Zoning Board they were in a very favorable position. You heard from Scott Harter, one of the Board members stating that prior to them making decisions they wanted to hear that the Planning Board was ok with placement of building with the general layout of the site so they didn't pin us into a variance that may conflict with what the Planning Board thought. Any questions you may have?

Chairman Santoro – We have your minutes. They are in the drop box

Ms. Zollo - I am assuming that when I get hard copies that I get everything and apparently I am not. I am not seeing half of this stuff.

Chairman Santoro - Do you get the drop box?

Ms. Zollo – yeah but I get a hard copy too so I focus on the hard copy.

Chairman Santoro – Check the drop box the day of the meeting because there are things that are in there.

Ms. Zollo – That would be one of my questions is that you are asking for five variances. Is that correct?

Mr. Colucci – Correct.

Ms. Zollo – In a situation like that it appears that then the project doesn't really fit the site if you have to go after that many variances.

Mr. Colucci – We have to look at the variances individually so three of the variances are really based on trying to minimize the amount of impervious area and minimize impacts to the residential buffer to the south. One of the initial comments, I don't think Heather you were at the very first meeting when we met with the Planning Board. At conceptual review the building was pushed further south parallel to the rear property line and we actually had the drive coming off this portion of Brace Road and fronting into the building. Three of the variances are relative to parking setback from this line where 80 feet is required. Within that 80 foot buffer and then we are also asking for a variance on total number of parking spaces while we show land banked that we can achieve them. We are looking to reduce the amount of impervious area. This is not a typical motor vehicle repair facility. The Town Code requires six parking spaces per bay where we do not turn vehicles over by the 15 or hour increments. These vehicles are days, weeks and months in these bays. The applicant has made a decision to reduce the number of parking spaces to minimize impacts. Operationally they really work for us. The two principles variances are the setback from a residential buffer. Motor vehicle repair calls for a 1,000 feet setback from a motor vehicle repair facility to a residential buffer. That 1,000 feet puts us somewhere over here. It is generally very common anywhere within Victor. Any motor vehicle repair facility the way that the zoning district lay out is pretty near impossible to find land that you can put a motor vehicle repair facility without requesting these variances. It is the same variance they have on Phillips Road at their current facility. The other one is 500 feet from this structure to a residential structure. There is a residential structure here that we are within that 500 feet as we know the Town has exercised a purchase agreement on this property and does not intend to maintain this as a residential facility. Now our closest residential facility is here so in lieu of the 500 feet we are something less than that. Those are the two principle variances.

Ms. Zollo – Thank you. I appreciate that explanation.

Chairman Santoro – Anyone from the public have any questions or comments? The Board then.

Mr. Gallina – No we have covered this pretty well.

Mr. Logan – Just for the record. The initial proposal with the building, as you said, was much closer to the residential area also talked about presented a different layout for the retention ponds and things like that. I am satisfied that the building where it has moved has done a lot to improve the location, the distance from building and the handling of water on the property. I am satisfied with it.

Mr. Seiter – 1,000 foot requirement is reduced to what now?

Mr. Colucci – The 1,000 feet is reduced from this corner of the building at full build out to the property line and Pete will have to give me the exact figure but it is...we have the 100 foot buffer line shown here. I want to say it is about 120-130 feet. Again, 157 Rich. This is now all Town land we heard the last time we were here I met with the Parks and Rec committee and this land is part of Parks and Rec land and I met with them at their advisory committee meeting. We heard from Brain Emelson last time that based on what we presented they don't have any concerns with this application adjacent to future town parkland.

Mr. Seiter – What is the distance from the property line to the residences?

Mr. Colucci – From this property line here to the residential area down in this area? *Yes* The revised variance that we are going for from the Zoning Board goes to nearest residential structure which is the home that is on this side of the road and the Serenity House. Those are approximately 380 feet. We are still within that 500 feet but not exact on that figure. It is subject to the Zoning Board variance.

Chairman Santoro – We will go to the SEQR part.

Mr. Pettee – For consideration by the Planning Board. My understanding is that both the Zoning Board of Appeals and the Town Board have signed off on their concurrence with the Planning Board being Lead Agency for SEQR purposes. That means we are responsible for filling out Part 2 and 3 of the EAF. Just a quick refresher is that the purpose of Part 2 is to use the information from Part 1 and our environmental assessment to identify potential adverse impacts that need further consideration by the reviewing agency and the questions included in Part 2 are designed to help the reviewing agency, the Planning Board, to identify what or if any impacts may occur as a result of the project. I have gone thru Part 2 and rather than go thru each and every one of these questions maybe I can point out the areas that are important to talk about. If we feel the need to go back and talk about any other points we can do that.

For example, I don't think we need to talk about Impact on Land, although we did identify there are some impacts there. We also identified that there may be some impacts on surface water and impacts on ground water, impacts on flooding and impacts on plants and animals. The first one I want to take an in depth look at here is the impact on agricultural resources. On page 5 of the Part 2. #8. The proposed action may impact agricultural resources. I have indicated yes here. I will read each of these sub paragraphs but you will see that several are checked moderate to large impact may occur. Do not let that startle you there is a reason for that. Just because if the Planning Board concurs with this assessment, it does not necessarily mean that that impact is significant or is a significant adverse impact. Let's take a look at sub question (a) here. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. The reason behind checking that here would be a moderate to large impact is, we typically follow the online guidance provided by the NYS DEC, an example of a small impact in this area would be a project that temporarily use these soils but to restore them for agricultural use next season. A small portion of these soil groups will be impacted and the remainder will remain in agriculture. There are many areas adjacent to the site having highly productive soils remaining in agriculture and highly productive soils will be scraped away, stored nearby and spread after construction or reuse of agricultural soils. This case the project site does not seem to be one that would be reused for agricultural purposes. Although there are prime soils on this site. Some examples of the moderate to large impact include there will be permanent loss of these soils with no chance of use for agricultural purposes again. Large portion of the site will have the soils disturbed that will make it hard or impossible to continue use of them for agriculture and there are no other farmlands having such highly productive soils in the area. Construction and operation of the proposed project will limit access to adjacent highly productive farmlands. Do you have any questions with that moderate to large assessment there?

Mr. Logan – Soil groups 1-4 I assume are highly productive, fertile land. They are good prime soils.

Mr. Pettee – There is also reason to elaboration later that we can get into later. Let's take a look at sub question (b). The proposed action may sever, cross or otherwise limit access to agricultural land. In this case the project isn't necessarily going to sever or cross it is basically going to use a site that has prime agricultural soils on it. We use the guidance here again. C The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. We have indicated in this case they are going to be losing prime soils or agricultural land even though it is zoned as commercial property right now. There is evidence there that has been cultivated in the recent past. D. The proposed action may irreversibly convert

agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. There are about 10 acres of prime soils at this project site. The proposed action may disrupt or prevent installation of an agricultural land management system. There would not be any opportunity agricultural land management on these prime soils. F. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. Since there are no adjoining acres and this isn't a portion of a larger tract of agricultural or farmland this project will not induce development pressure on other ag lands. G. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. No or small impact may occur. As part of the agriculture component of the Towns comprehensive plan this property and this area isn't identified as protection for agricultural resources or future agriculture use. Any question on Impact on Agricultural Resources? We can jump to question number 15. Impact on Noise, Odor and Light. The proposed action may result in an increase in noise, odors, or outdoor lighting. We have indicated yes the project will result in those scenarios. The proposed action may produce sound above noise levels established by local regulation. We have indicated no or small impact may occur. Examples of small impacts would be if the project produces noise but those levels are below regulated levels or the project produces noise but those levels are below or even above regulated levels and they are temporary and they occur only short term during construction phase. The narrative you will see we touch upon that a little bit in terms of ambient noise level, the sound level and the noise during construction is going to be higher than the existing ambient noise levels. After construction is complete the noise will go back to regular ambient in the neighborhood. Examples of moderate to large impacts the project will generate regular or sporadic noise through out its operating phase above any regulated level. Noise will be generated continuously during day or night time hours even if the overall ambient noise level do not change. Noise will be generated sporadically or continuously and there are residents, businesses, hospital, clinics, daycare centers or other receptors adjacent to the proposed project. Noise levels above ambient conditions will be produced long term and noise will exceed established standards. Turn to the very last page and take a look at little bit of draft narrative that we have on Impacts on Noise, Odor and Light. What I have indicated here. Noise levels are anticipated increase above ambient conditions during construction of the project; however, noise levels will return to ambient conditions once construction is complete. The applicant submitted a July 10, 2019 Sound Study that measured noise levels within the area of the existing Horsepower Motorworks Facility at 825 Phillips Road, as well as in the vicinity of the proposed facility at 1256 Brace Road. The study concludes,

“There is no noticeable difference in sound level attributable to the Horsepower Motorworks operations as measured at distances of 50 feet to 567 feet or at spot locations immediately adjacent to the existing facility.”

The operations of the facility include use of a dynamometer that measures the power output of engines, which has the potential to produce loud noise due to the combustion process. The applicant has asserted that the area within which this activity will take place is insulated for sound, so as to minimize or avoid adverse impacts from high decibel levels within the facility. This would protect the occupants within the building. Additionally, the sound insulation of the facility will minimize and avoid potential adverse noise levels to nearby properties.

The site plan incorporates the use of berms and a mix of existing and proposed vegetation to help buffer the facility to the existing residential neighborhoods to the south. This will also serve as a buffer to the Serenity House located on Brace Road.

Any approval of the project should be subject to the condition that details and specifications of sound attenuating building materials and methods be provided to the Town's Building Department as part of the application for a building permit. Based on the foregoing, there will be no significant adverse impact on the environment with respects to Noise.

If we want to go back to the other subquestions for #15. B. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. There is no blasting proposed. C. The proposed action may result in routine odors for more than one hour per day. No or small impact may occur. D. The proposed action may result in light shining onto adjoining properties. We have indicated no or small impact. E. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. Indicated no or small impact.

Mr. Logan – Regarding the odors, I don't recall if they addressed that when vehicles engines are being tested is there some sort of exhaust filtration or means of limiting emissions from the building. Fumes or overlay concentrated and how that might compare to normal background traffic from 96 for instance.

Mr. Pettee – I do not think we have anything on that from the applicant. I do not know what type of assessment you would provide for us if anything.

Mr. Colucci – Typically it is occupant protection inside and there would be a vehicle exhaust system that is a passive ventilation system and active ventilation if necessary where it drawing negative pressure to pull fumes out of the building. There isn't a concentration or standard that we have to design to protect the exterior environment because as you said it is no different than you driving your car to work or letting your car idle at a stop light. We have come across this in our admarr facilities where we are installing either a ventilation system that is a whole room ventilation system that if it starts to sense the carbon monoxide it automatically triggers and a

blower fan goes on and exhausts the whole room or the drop down that goes around the exhaust and more individualized for the different bays. We have not gotten that far into the design but there will be a requirement to have one of those types of systems and is mainly for occupant protection inside.

Mr. Logan – I am just thinking that if you have a whole house vacuum cleaner system the exhaust to hose usually goes from the muffler to dampen the sound which I assume there is some sort of dampening for an exhaust from a vehicle that would also be exiting the building so you wouldn't hear a loud engine noise.

Mr. Colucci – We are probably talking more of the dynamometer sound attenuation and that specific room will have sound attenuation on the exterior walls and sound attenuation for the exhaust system. The rest of the facility wouldn't have that type of noise dampening for general exhaust for the vehicle, maintenance and component when they are just bringing vehicles in and they are shut down. If they are running for any period of time inside then they are hooked up to an exhaust system or we have some other mechanism to exhaust the room for safety.

Mr. Logan – Anytime an engine would be tested at high speeds would it be on the dynamometer only?

Mr. Colucci – That is usually when it happens.

Mr. Logan – That room would have both interior and exhaust type of sound dampening system.

Mr. Colucci – When we are designing that room it would have to take into consideration that here is the ability for the noise to transfer thru that.

Mr. Logan – If that can be addressed in your design requirements or the specifications that we see for review.

Mr. Colucci- The architect would have to produce the report that shows the sound attenuation relative to the insulation of the walls and both mechanical system for the exhaust for the dynamometer.

Mr. Seiter – Do you have a paint booth?

Mr. Colucci –There will be one.

Mr. Seiter – How are you going to handle the exhaust from that?

Mr. Colucci – The paint booth is a piece of equipment that will be brought in and there will be an exhaust fan with scrubber for the paint booth. Again part of what will be.

Mr. Seiter – Scrubbed before it is discharged?

Mr. Colucci – Yes.

Mr. Pettee – We could take a look at the narrative for Impact on Agricultural Resources. We did identify some potentially moderate to large impacts with regards to the agricultural resource, the soils. Approximately 11-acres of land are classified as highly productive agricultural soils (prime farmland) per the Web Soil Survey. Although there are prime soils on the project site, the property is not within an Agricultural District, and is not contiguous to a larger farm operation. The property is not identified within the Town's Comprehensive Plan as an area to preserve for future agricultural use, and is located in the Town's Commercial / Light Industrial Zoning District.

Although the project would result in a moderate to large impact on agricultural resources, the impact is not expected to rise to a level of a significant adverse environmental impact. The impact is not significant because the property is not within an agricultural district, it is not adjoining a larger tract of agricultural land where the proposed project may induce further growth on agricultural land, and the property is not targeted for preservation as ag lands within a municipally adopted Ag plan or Comprehensive Plan.

Mr. Logan – Is there any case in the Town where an agricultural district is in a Commercial/Light Industrial Zone?

Mr. Pettee – In the Town of Victor I cannot think of any.

Mr. Logan – This is all Light Industrial/Commercial right? It makes sense. Thought I would ask that in case there was some unusual condition somewhere.

Mr. Pettee – There is one question in Part II that I did not answer. That is question #17. Specifically sub question E. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. This is a question where typically we would take a look at the Towns sanitary

sewer system, the conveyance system or the waste water treatment plant and identify whether or not these facilities have the capacity to accommodate the development. In this case the development is proposed to discharge their sanitary sewage to the Village waste water treatment plant. The project material has been submitted to the Village and the Village engineer has taken a preliminary look at some of the information but we don't have confirmation back yet on the conveyance system and the waste water treatment plant capacity to handle flows. I don't anticipate that flows are going to be excessive but I would suggest we hold off on checking any of those boxes till we have confirmation from the Village engineer and their waste water treatment plant operator. It is red because I wanted to call your attention too we are looking for some additional input there.

Mr. Logan – Any of the other questions on 17 could be no or small impact with the exception of not being able to answer E. You haven't checked off any of those and you wouldn't if everything was no up top.

Mr. Pettee – Basically my recommendation is that we not close SEQR till we get that confirmation from the Village about the waste water system. Not close but make a determination of significance. Hopefully we can get that in short order.

Mr. Colucci – The only issue with that is then Zoning Board is not going to be able to make any determination so we just keep bumping back and I am up against a fourth amendment to our purchase agreement which I don't think seller is going to tolerate another extension. My extension thru September 15th. We did submit the plans to the Village engineer commented back with some very de minimis comments. The notion that those treatment plants may not be able to handle the flow I think is one that we can all understand is certainly there is capacity there. This is a small environment one. Duplex grinder pump that has two bathrooms and that is the extent of waste water flow. The Village certainly has capacity. The method of capacity is one that was commented on by the Town engineer relative to a detail for connection to the sewer and maybe a tracer wire for the force main that is going to run just off the property to the terminus of the sanitary sewer. We are just coming overland and down the right of way a little bit and connect them.

Mr. Logan – Do you know where Anthony Drives businesses tie into sewer? Is there a stub at the end?

Mr. Colucci – There is a terminal manhole that goes to the Farmington Sewage treatment plant. The problem with at connection is crossing this creek and we chose not to run into that disturbance and maintain the connection to the Village. Which this part of the action of the

application is also sewer district extension which we have applied for to the Town Board. I was hopeful that we could conclude SEQR determination so that I could have a Zoning decision. I know that they were very favorable the last time I was there.

Mr. Pettee – I have some thoughts and am not necessarily steadfast in my recommendation. Would the applicant be willing to commit to any improvements necessary if any are needed to accommodate sewer flows?

Mr. Colucci –Yes. Obviously we are going to connect to the Village infrastructure so whatever requirements they have for that connection certainly are something we will have to comply with. Mr. Pettee – What I am trying to get at is, is for some reason your site plan needed to be tweaked or needed to contribute towards something like belts or shives on a pump station are you willing to that to minimize or avoid any negative impacts.

Mr. Colucci – Yes, Certainly the risk on our side is very low. If this was a much larger sanitary contributor I would probably wait before committing to that but I am comfortable making that commitment to this Board that allows you to say you don't believe there is going to be any negative impacts relative to this specific item under E.

Mr. Pettee – the other hurdle that we would have tonight and we can probably overcome it, provided the Planning Board is agreeable, is we don't have a neg dec resolution prepared but I can get that prepared if you want to continue on a conversation. I would be happy to go over to the office and prepare one.

Mr. Logan – I honestly don't see any reason to not do a negative declaration on this. We have answered all the questions. The only major thing was agriculture and we all know this is a Light Industrial/ Commercial district which is not agriculturally significant for the Town. As far the sewer goes I would be stunned if it was any impact to the sewer plant with the two bathrooms.

Ms. Zollo – You will not be using any water with regard to the cleaning of the cars or any other aspect of the business?

Mr. Colucci – Normal housekeeping. There will be floor drains as is required for maintenance facilities. Those would be connected to an oil waste water separator and it is normal housekeeping for washing floors. During the winter cars come in sometimes there is snow and salt and debris on them and the floors are cleaned. There is no processed water. No function of using water that is discharged as affluent as the business operation.

Chairman Santoro – Everyone comfortable with Wes preparing a neg dec and bringing it back out?

Mr. Logan – There is nothing in here that shows there is a major impact on this property.

Chairman Santoro – I don't see it either.

Mr. Logan – They have addressed everything of my concerns and I don't hear anything from anyone else. In favor of allowing the business to succeed the way they want to go I don't see a problem not holding it up.

Mr. Galiina – I agree with that.

Mr. Pettee – Can we adjourn this topic for a few minutes.

Chairman Santoro – We can go onto to the next one.

Mr. Logan – We might be able to come back to it in a few minutes.

Mr. Colucci – I appreciate the consideration.

Mr. Logan – Understood. You have said in past meetings that there is timeline. It is unfortunate that we do not have definitive from the Village but if this were a 100 unit subdivision we would be talking a little longer.

Chairman Santoro – I don't want to skip over someone that has been waiting. Our next meeting is September 10. Is that enough time?

Mr. Colucci – The Zoning Board meets Wednesday prior. They would not be able to make their determination which then doesn't allow you to make your determination on the 10th.

Mr. Pettee – Let's get thru the Highline Park and then I will go do it.

Chairman Santoro – While we are waiting for that the next item is Highline Park.

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.

Rich Tiede from Marathon Engineering with Scott Morrell

Mr. Tiede – At the last meeting the project was presented to you so we are here tonight to answer any questions and provide any additional information.

Chairman Santoro - Public hearing is still open so any comments or questions from the public?

Joe Zimmerman in Hamlet of Fishers

Mr. Zimmerman – I use County Road 42 all the time and my only question is the impact on traffic at rush hour times and lighting in the area. Any ambient lighting and is that going to change.

Chairman Santoro – There may be some lamp posts and things like that.

Mr. Morrell – Our intention for the lighting compared to what the current code with Light Industrial is that we aware doing something that would be dark sky compliant. All the lighting within the townhouses and the patio homes would only have fixtures on typically garages and front doors and they would all be dark sky compliant. The same thing with the lighting in the apartment areas would be low lighting and would also be dark sky compliant.

Chairman Santoro – This is only for a recommendation to a PDD to the Town Board. We are not approving anything tonight. We had a complete study when Conserve wanted to go in there two years ago and I am sure there will be another one to see if things have changed. That will be discussed in a part of our discussions but not tonight.

Enrika Sharp Fishers Road

Ms. Sharp – It says to change this it has to be consistent with the surrounding uses and things plus it is zoned Light Industrial at this point. It says there should be a need for this sort of thing. Which I don't understand the need for apartments and such when there are plenty of apartments right here in Victor and going down 251 there are a lot of townhouse in Victor. A

lot of apartments on the other side of Victor. Why are the apartments needed in Fishers in the middle of a residential area?

Chairman Santoro – It is not quite in the middle of a residential area it is a Light Industrial area and borders on a residential area. The intention of this proposal is to transition from the residential area that is there and the industrial area on the other side of this project. To make a happy medium.

Ms. Sharpe – What is the transition with apartments?

Chairman Santoro – One person's idea of a transition is different from another I guess. Again, we are only discussing a recommendation for the PDD. We will not be approving the project tonight and still have a lot of work to do.

Ms. Sharpe – Well I guess that was the other thing. We are opposed to a PDD. Like I say the sports center has a PDD and he is going to be putting a hotel one day.

Chairman Santoro – Maybe.

Ms. Sharpe – Well yes maybe but he does have that and it means more traffic right there. He also has the other buildings he wants to put in with some stores and apartments.

Chairman Santoro – The residents have been thru the Conserve part of it I am sure find this to be more palatable solution then what was originally proposed.

Ms. Sharpe – I remember that Victor wasn't going to allow 24 hours especially when Walmart started to come. It was a big fight about 24 hour business so I would think why they would allow a 24 hour business in Fishers.

Chairman Santoro – Are you talking about Conserve? Or about this proposal? Conserve is what originally wanted to go in there.

Ms. Sharpe – The call center? Why would you have 24 hours next to residential area?

Chairman Santoro – Well it didn't go in.

Ms. Sharpe – Yes. I wouldn't think Victor would allow that.

Chairman Santoro – We are talking about this project which is a residential project.

Ms. Sharpe – Which I say I think I like the Light Industrial because that is what is on the comprehensive plan.

Chairman Santoro – Light Industrial might have gotten you Conserve. It is still open for Light Industrial there could be another application like that.

Ms. Sharpe – You wouldn't have done that because you don't allow 24 hours.

Chairman Santoro – What if it is not 24 hours?

Ms. Sharpe- Well anyways, we don't like the ideas of the apartments.

Mr. Logan – To touch on the transitional nature of it. We look at higher density to lower density. Residential is a transition between different forms of zones within a Town. We have done that before. Apartments are transitional in nature and that is what surrounded by light industrial. The applicant is proposing going from that density of apartments over towards a higher density of housing and to lower density residential so it has a flow from more intensive industrial thru a higher density to lower density housing. The need is what the developer sees as what would work best on his parcel. If he sees a need and he can't rent them because there is no need then what was the point of him developing it? He must see a need for more apartments in the Town. He will not build something that is not going to be successful and if it going to be successful it proves the need of a development. I probably should not be having this conversation with you standing at the microphone so it is on the record. I am just making a statement about the transitional nature of your question.

Debra Hogan 580 Sauer Farms Drive

Ms. Hogan – I know you don't want to talk about traffic but I do have to talk about one part because I think it relates to the PDD. After the last meeting I went home and I said well I haven't looked at the Conserve stuff for three years so I guess it is time to dig it out. Again as I said last time and as I have told Steve and Jeff. I and my neighbors are much happier with this type of proposal, not 100%, then we are with the call center, with a medical building, with a warehouse, with any of those things that this lady thinks Light Industrial is great about. We don't. So we are all on the same page. Having said that there are some

points that we agree on. One is which is in the multi dwelling district which I know this is not but it does say that the construction and development of multiple family residences in the Town of Victor, the Town does not encourage wide spread development of such area at the cost of residential districts. I did little homework and I called several of these higher end places similar to what they are looking at developing for the apartments. I have lived in one of those in Farmington while I was waiting to build my house. What I found is there are a lot of available apartments. Ready to be used right now so do I agree with you on why they would want to build something they couldn't rent but it does appear there are a lot of upper scale housing available. Places like Auburn development and over in Farmington where I lived. I do have a question about the need and hopefully they can address that. The second point is one of my neighbors wanted to bring to your attention and I think they are right.

Mr. Logan – So the cul-de-sac you are talking about with the houses and townhouses.

Ms. Hogan – The patio homes are. Maybe I don't look like it but I am actually a senior citizen myself. On Wednesdays there is a group of my friends and every Wednesday at someone's house and we gossip and eat food and have fun things like that. When I was telling them about this project one of them said ...I actually told Jeff Morrell I may sell my house and move in to one of these because it is an ideal situation of what I want longer term which is to rent a place and be able to go to Florida and know someone is watching over it. The concern that my friends had was well where are we going to park when we come for Wednesdays? I kind of looked at this and went hmmm, that is interesting. Yes, every patio home has two spaces but I typically have anywhere from 8-10 woman that come to my house. Two of them are already handicap. They are certified handicap. If you look at his you will have to say they will have to park on the street but boy with the density that is there it is a little concerning when you look at the parking. It really is. Then when I talked to Jeff about it he said well they can park over by the clubhouse. Yeah they could. There are ten spots there but I am assuming people will be using that clubhouse and there will be people coming to inquire about renting and there will be employees working in that clubhouse. I am not sure you have parking there that will accommodate a small group of people. It is a concern and more I thought about it kind of bothered me. When I talked to Jeff about it he said well maybe we can land bank some space so that if it became a problem we would have some room. I will look to Steve to maybe talk about maybe where they came out on that idea. I wanted to raise that as a concern to the Board. I think before we go and declare this a PDD we need to make sure it is going to work. I am not sure it is going to work.

Conserve traffic study. You all know that 96 and main street is already an F. Main Street Fishers and Phillips Road in 2017 they said would be a service level D. I can tell you, Steve

said, that they are probably going to do a traffic study. I think before you approve anything we should see the results of that traffic study. I can guarantee that study was done on September 23rd 2016 and that was three years. I guarantee from me living there for 3 years traffic is a lot worse than it was three years ago. There is going to be a problem with traffic. I don't want to see this project just moving forward without all the data and ask that you would think about that as you make your recommendation tonight. The last thing.

Debra Hogan points at the driveway on map

Mr. Logan – So the driveway entrance to the four corners inside the apartment area.

Ms. Hogan –Here is the math. From Main Street to where it enters into the parking lot is 458 feet according to the diagram. I rounded that to 500 ft. because I could be a little off. That is the length of the street, 458 ft., the average length of a car according to the internet is 15 feet and that left three feet between cars as they are queuing. That is 18 feet. If you take 450 and divide by 18 that says you can have 28 cars queued in that space. On Morell's plan right there they say at peak there will be a 143 people per hour coming out. If you take the internet math that says it takes about 45 seconds to one minute for people to pull up to the stop sign, look left, look right, look left again and pull out. That would mean it would take 28 minutes for that last car to reach the intersection of Main Street. My question is if you have 28 people queued and expecting 143 where do the other 100 go? There is not room in that parking lot to que another 10 people. One of the gentleman from Morrell said "oh well that is 143 per hour". I'll give you a break and say it is only half that, that is 30, where are the other 40 cars going to que? You have a queuing problem that does not get fixed with these apartments.

Chairman Santoro – This is part of the review process not the PDD recommendation.

Ms. Hogan – Right but the PDD is going to allow those apartments. That is the issue.

Mr. Logan – Ernie, correct me if I am wrong. All the other PDD we have done it actually has not been rezoned as PDD until we have vetted the entire project. Is that true? Or has it been rezoned to be a PDD and then we go thru the review process?

Ms. Hogan – I think I have legitimate concerns.

Mr. Logan –Understood and you will have a number of meeting to come and voice...

Ms. Hogan – Believe me, I do not want to see this turned into a PDD and then three weeks, six weeks from now we are arguing about the apartments again. There is a problem here and it is evident. You can do the same math I did and see there is an issue here. There is a density issue as it is laid out. Last thing asked by my neighbor is a question that was raised last time, which is can the Fishers Fire Department handle this.

Chairman Santoro – We will have to ask them. That is part of the review.

Ms. Hogan – I think before we go an approve changing you guys recommending to the Zoning Board that this be a PDD.

Chairman Santoro – Not Zoning Board it is the Town Board.

Ms. Hogan – Sorry. Some of these things need to be looked at. Thank you.

Mr. Pettee – What I have provided here for consideration and this is very draft format. This is a recommendation. The Planned Development District process as identified in section 211-27 of the Victor Town Code is twostep process. One is obviously submission of the application for amendment of the Zoning map for PDD shall be made to the Town Board which shall refer the application to the Planning Board. They referred the application to us. The applicant shall submit a preliminary development plan, which they have done, of an appropriate scale illustrating the type, uses and design of the proposed development including any or all of the following is required by the Planning Board. There is a list of items they have provided. The Planning Board shall review such application and may require such changes in the preliminary plans as are necessary to meet the requirements of this section, to protect the established permitted uses in the vicinity and to promote the orderly growth and sound development of the community. In evaluating the proposal and in reaching its decision regarding the preliminary plans, the Planning Board shall consider and make findings regarding the considerations set forth below:

There are 11 of them. Number one is the need for the proposed development. As it stands now what I have in here is the applicant has asserted that population shifts specific the Metropolitan Statistical Area of this region continue to follow the Rochester-Canandaigua corridor growth line, wherein the Victor community lies. Further, they contend that the millennial generation is seeking a lifestyle that includes space, safe neighborhoods and good schools. The Town's Comprehensive Plan contains a goal to "Provide housing for residents of various socio-economic backgrounds and life stages". What I am looking for from the Planning Board members is whether or not you have any additional comments in

this regard or if you want to make any other findings regarding the need for the proposed development.

Ms. Zollo – You are just reiterating what the applicant has contended about this project not what the Planning Board thinks?

Mr. Pettee – This is intended to be a primer for you guys to be able to make your findings. Yes that is what I have put down on paper.

Ms. Zollo – What we need to find out is what the vacancy rate is in the area. Is that applicable to this question? How many apartments are vacant in the area, how many proposed are already approved for being built in our town? We have the 300 High Point as well as a number of other projects that have already been approved.

Mr. Pettee – I suppose we can ask the applicant for any of their housing research that might clarify for us to show us what the need is. Obviously they have provided us a little bit of narrative to say they have a need because this is a growth area in the Rochester region maybe they have some substance behind that in terms of numbers. That is something we can ask for to help the Planning Board feel comfortable with the need.

Ms. Zollo – Of course we are asking them to provide it then it will show a need.

Mr. Gallina – I think the other part of that, which I agree with Heather, something more fact based assessment that says there is a gap. What housing is available, what the population's looks like and the occupancy rate. Second part would be if there is existing lands zoned for multi dwelling that are available then why would we look to rezone a property to meet that need.

Ms. Zollo – The County Planning Board comments did indicate that the Town would want to think long and hard before rezoning this from the Light Industrial.

Mr. Pettee – This is very good. This is the feedback I am looking for.

Mr. Logan – I have some sympathy for maintaining a Light Industrial land that we have in Town because we are trying to support all the residents that keep coming in and we have been told that it is more expensive to maintain residential property because of the schools and the services associated with people that are living in the Town. The Light Industrial areas

support the Town from a tax perspective and do not demand as many services. I have some sympathy for what Al and Heather have both said that taking away more Light Industrial use will actually put more of a tax burden on the Town from a services perspective. Both in schools and sewers and everything else. We need to explore that further.

Mr. Gallina - Not all Light Industrial applications would demand the same intensity that a prior applicant did. There are many vary light use Light Industrial applications that can be very low use from a traffic and occupancy perspective.

Mr. Logan – It can be office flex space that is going out at Fishers.

Mr. Gallina – I think we make these decisions binary it is either heavy use or it is something else. I think that has to be part of the rezoning application.

Mr. Logan – Things are being developed out at Lehigh Crossing and the same type of development could be going in here. It is not nearly as intensive as the Conserve plan with 1,000 cars which was very dense. For that location maybe somewhere else in the Town in the Light Industrial area. I cannot speak for the developer who has something else in mind.

Mr. Morrell – We have done initial on just Light industrial use and like I said the facts are it is a 76% reduction with what our uses is comparative to a light industrial use not an intense use that is like Conserve which is every 1,000 sf is 10 parking spots. This was done with a light use. Very similar to what we have at Lehigh and we are still are at a 76% reduction on traffic.

Mr. Logan – I am sorry I guess I didn't follow the 76% reduction in intensity you are saying the apartments and houses are a reduction in intensity over the light industrial at Lehigh Crossing?

Mr. Morrell – That is correct. For weekly trip counts a typical Light Industrial is 2841 comparative to 1120.

Mr. Gallina – What would your equivalence be at your Light Industrial complex just down the road on Wagnum?

Mr. Morrell – At Lehigh our building vary. For instance we have Coverwall that has in 16,000 sf over 100 employees in there so it can be quite heavy or it can be where there are only 4 per

1,000. It varies. We have both uses. With the study I have given you or what we have looked at it is at an average.

Mr. Gallina – I would ascertain that a Light Industrial use with 100 employees that go in and out only once a day is probably overall less intrusive than 20-300 people that live there that are coming in and out of there all day long.

Mr. Morrell – we are also talking about is a good portion of this project is also empty nesters and these numbers are not even in there that they go at off peak times.

Mr. Gallina –we always market the empty nesters but for some reason the schools are just growing and we are adding floors on the primary building.

Mr. Morell – When it comes to patio homes or townhouses and we have down plenty of projects and pretty much all of them and in Victor are all empty nesters with that kind of product.

Mr. Seiter – The empty nester comment is what we need to justify the need with millennial generation. Millennials and empty nesters are two different market groups.

Mr. Morrell – I agree and the millennials we are going for in more of the apartment buildings. That is where the concentration of more of the millennials would be. To be honest with you for like Coverwall, when we were trying to get someone like that in to an industrial property it is very difficult because there are not a lot of places for them to possibly live where they can then go in and out of the Victor area and be able to live. We want those type of people living in this area because they eventually I think they would then purchase and part of the community.

Chairman Santoro – Where are we going with this?

Mr. Pettee – I am going to #2. In what respects the plan is or is not consistent with the stated purposes of the Planned Development District. The project is consistent with the purposes the Planned Development District, as the proposed preliminary development plan utilizes planning and design to combine a mix of residential style within one area. As stated in the Town Code the purpose of this district is to provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use or a satisfactory combination of these uses in an economic and compatible manner while encouraging the utilization of innovative planning and design concepts in the

area without departing from the spirit and intent of these zoning regulations. Traditional residential zoning within the Town does not provide for establishing residential apartments within a neighborhood that is zoned for single-family detached homes.

Feel free to hack away at this.

Mr. Gallina – To kind of build on some of the themes, to me rezoning as a PDD you are really trying to maximize the density on the site. It really is to me is more the apparent objective then trying to develop townhomes for example.

Chairman Santoro – Did you look into a rezoning to a residential use rather than PDD?

Mr. Morrell – No we did not.

Mr. Logan – He would be applying to rezone it not as a PDD but as a multi dwelling unit zone so that he could have apartments.

Chairman Santoro – No matter what you put in there you are next to an industrial complex anyway.

Mr. Pettee – Any other comments from the Board on #2?

Mr. Seiter – I agree with Al, I favor the residential over the industrial but it is too dense.

Mr. Pettee - #3 The extent to which the plan departs from the zoning regulations formerly applicable to the property in question (including bulk, density and permitted uses). The permitted uses are quite different from a Light Industrial Zoning District to a PDD in that they are all residential. As the project parcel is currently within the Town's Light Industrial Zoning District, the proposed project would not be an allowable use with the existing zoning. Section 211-46 (Open Space) of the Town Code generally requires major residential subdivisions to have a minimum of 50% open space; whereas, industrial uses are required to only have 35% open space. The current preliminary development plan indicates that 67% of the site will be greenspace. I think that includes both existing vegetation on the site that would be undisturbed as well as proposed landscaping. Any thoughts there?

Ms. Zollo – Is the entire site developable? Are there features on the site that make it steep slopes or other features that would make parts of the site not able to be developed?

Mr. Pettee – I have not taken a site walk. I have never been on the site but there are probably some challenging areas of the site.

Chairman Santoro – The back.

Ms. Zollo – That was one another question that the County Planning Board had was how much of this site is actually able to be developed.

Chairman Santoro – there is a rather large drop off in the back.

Mr. Logan – We had the contours in the Conserve application and you could probably pull those up although I see it in the background in the plan itself. The different contours that are present at the site. I remember there was a rise to the Conserve building and there are spots where it dropped right off.

Mr. Pettee - #4 The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood. The proposed project presents a transitional area between existing single-family homes at Sauer Farms Drive and the commercial / light industrial uses on Fishers Run. The single family detached units have been located on the west side of the project area, adjacent to existing single-family homes, and the apartment buildings are located adjacent to the commercial / industrial uses on Fishers Run.

Ms. Zollo – Is this a place where you might add the fact that those Sauer farm homes are single family on pretty large lots and these patio homes are densely placed. I think one of the issues is that it is really dense development hence the request for the PDD.

Mr. Gallina – You get the same transition by starting with townhomes and going to maybe a little more spread out single family homes and then transition to what the neighborhood is today so I think there is other ways to have a more graceful transition then what at least is being conceptually proposed here.

Mr. Pettee – That is helpful thank you! #5. The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height. I basically reiterated the finding we just talked about as previously indicated, the single family detached units have been located on the west side of the project area, adjacent to existing single-family homes, and the apartment buildings are located

adjacent to the commercial / industrial uses on Fishers Run. I can imagine that a bit similar to what you have spoken to on point #4.

Ms. Zollo – I think because it asks about bulk and height I believe the apartments are three story of four story.

Chairman Santoro – Three. Did you consider two stories instead of three?

Mr. Morrell – The one thing that we have been talking about is the nice thing about the property is that it elevates and then goes down where these apartments are and the three story, a total 120 units, it gives us the ability to make them affordable. I will certainly look internally about that. I am saying that is the rationale of it.

Mr. Pettee - #6. The provision for pedestrian circulation and open space in the planned development. While pedestrian walkways are depicted around the apartment buildings, including a sidewalk that leads to the clubhouse, sidewalks are not currently proposed within the areas on the west side of the development. The applicant will need to incorporate additional pedestrian amenities for the entire project. As currently indicated, 67% of the site will be greenspace, using a mix of proposed landscaping and existing vegetation on property. My question here is are you in all concurrence with the finding that you would want to see more pedestrian amenities in the area?

Ms. Zollo – Yes.

Chairman Santoro – That will get rid of some of the greenspace.

Ms. Zollo – You have already got sidewalks in the apartment area?

Mr. Pettee – So if you are looking at that diagram in the upper right where the apartment buildings are you have some sidewalks in there and also there is a sidewalk that leads from those apartment buildings to the south or down to where the clubhouse is. With the single family homes over towards the left where the cul-de-sac and the duplexes there do not appear to be any sidewalks on the preliminary plans right now.

Mr. Gallina – I would agree with the need or more pedestrian amenities.

Mr. Pettee - #7. The traffic circulation features within the site, including the amount of, location of and access to automobile parking and terminal loading areas. This is a finding where I think, I do not know if this project has been referred to the Fire Marshal yet or Fire Department in terms of circulation features or if they want to see any turning diagrams. It might be helpful for the Planning Board to request some information or feedback from the Fire Dept. in order to make a finding here. Roadways within the site do not conform to the Town's design and construction standards for width. Even if the roads were going to be retained as private, they will need to be constructed to meet the Town's Design and Construction Standards. The 24-foot drive aisle width does not appear to conform with the Town's design requirements for parking, Section 211-32, Paragraph A (2)(a)[1], which requires 26-feet. There are a couple areas where they do have the 26 feet but there are a couple where they are 24.

Mr. Logan – In addition to that all those townhomes and houses themselves are on a cul-de-sac and there are more than 25 units on that entire drive. As far as geometry goes it is not in conformance with the Towns standards.

Mr. Tiede – Joe I would like to comment on that. All those townhomes and single family units are all for rent units and not for sale on their own individual lots as such the whole complex gets treated as a multifamily apartment complex which has a little different regulations than the single family with the cul-de—sac.

Mr. Logan – If it was zoned that way then it is true but this is a Planned Development District and we have to take into consideration multiple things that if it is behaving like a house it is a house. You have more than 25 units on that cul-de-sac and they are very closely spaced. The fact is if the road is narrow and you have emergency equipment in there you will not be able to get them out in a matter if it is considered a rental or a purchase unit. That is one of the points of that part of the Code was to limit that restriction. You may need to do things to mitigate that by widening the drive, providing bypasses and things like that. Strictly speaking that does not satisfy the piece of the Code unless you were to look for mitigating factor. They tried that on Ballerina Court at the first entrance. I don't think it is successful because they widened it out and it is a traversable median it is basically stamped concrete and not attractive at all. It was an attempt but there is geometric issues that are there that we have to look at.

Mr. Tiede – Once again that is the Fire marshal interpretation on that.

Mr. Logan – It is also ours in terms of the Code itself that we have to satisfy.

Mr. Pettee – I have jotted note here to talk with Al Benedict to help us get some clarification.

Mr. Tiede – I know there is specifically two different sections in that part of the Fire Code that refers to the multifamily type and the single family.

Mr. Pettee – We will come to the bottom of that we will talk.

Mr. Morrell – Just one other quick point to note. All of these roads are also private drives and all our utilities are planned on being private and storm management is all too. On the purpose of town cost that is a good point that we will be the owners of this property too.

Mr. Pettee - #8. The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards, such as inadequate sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes. The applicant will need to prepare a Traffic Impact Study for the Highline Park PDD, as the peak hour trip generation is approximately 100 trips.

Mr. Gallina – It would also need to include the internal queuing since that point was brought up previously.

Mr. Pettee – There was also a letter that came in from the Towns traffic consultant. Clark Patterson Lee and I think their conclusions was also the applicant would need to submit a traffic impact study as well. Any other comments on that one? #9. The provision for storm, sanitary and solid waste disposal and other utilities on the property adjacent to the site as well as that site itself. The Town is currently in the midst of constructing a new sanitary sewer trunk line that is likely to provide sufficient capacity for the project. The current conveyance system cannot handle additional flows from this project. I have talked about sanitary and have not mentioned anything about storm or waste disposal or other utilities. Anything you might have to say there?

Mr. Logan – This proposal is significantly more intense than anything that we might see from a Light Industrial perspective or commercial? Is that a fair statement? Given the number of units and toilets and bathrooms and all that. Unless you are water intensive Light Industrial

user like glass cutting or something that you get a lot of water. What or how would you compare that? It is a more intensive unit.

Mr. Pettee – For example to compare different uses on sanitary sewer I could ask our engineer and he would be able to give us an idea on how that would look different. What the number of units here and how that compares to so many square feet of Light Industrial. I can get that comparison.

Mr. Logan – I mean a thousand people at a Conserve plant flushing the toilet all day long I suppose might be a lot of water. That didn't fly here.

Ms. Zollo – I am assuming that the apartments would all have one refuse pick up. One company like Waste management that would pick up all the refuse for all the apartments. What about for the townhomes and patio homes? Would people be contracting for their own refuse pickup. You said you were going to be the owner of the site.

Mr. Morrell – Typical scenario would be the same contractor that would do all of those and it would be incorporated where it would be the same contractor that would do the whole property.

Ms. Zollo - They would never be able to do it all on the same day. They would be coming five days a week.

Mr. Morrell – Not typically. They are pretty efficient. We have some pretty big parts that they do within a day. I can look into that.

Ms. Zollo – I am just trying to help Wes answer this question.

Mr. Pettee - #10. The proposed landscaping and signage. The project includes a combination of new landscaping, shade trees and the preservation of existing mature trees around the perimeter of the parcel.

Chairman Santoro – Pretty self-explanatory.

Mr. Pettee - #11. The manner in which the physical design makes adequate provision for service demands (water, sewer, fire, etc.), adequate traffic control and the amenities of light, air and visual enjoyment. It is a difficult question to answer. Adequate traffic control.

Mr. Logan – That would be covered on a traffic study I would assume. In terms of the entrance geometry and whether you need a signal or how close it is to other intersections and all of that. I guess it would go to #8 some of that. #9 for the waste, sanitary, water.

Mr. Pettee – What I can do for your consideration at the next meeting is I will draft a more complete version of this with the changes we talked about tonight and give that to you so it is in your dropbox in advance of the meeting so you are not looking at it fresh right at the meeting. Then maybe we can move forward from there. Feel free to reach out to the Town staff or myself if you have any thoughts.

Chairman Santoro – Ok. Next time maybe we will see. Wes is now going to go do Neg. Dec for Horsepower and we will go on to the next one which is Quest Property Group.

QUEST PROPERTY GROUP

7642 County Road 42

37-SP-19

Zoned –Commercial

Applicant is requesting approval to install a new 6 foot high fence on the south east side of the existing building.

Troy Bradford owner of Quest Property Group and also Fingerlakes Roofing

Mr. Bradford – basically we are just looking to seek approval to erect 6 foot fence on the southeast line. Extension off an existing fence. Pretty straight forward. There is an existing line that runs down and cuts back in that will run the east line and then come adjacent to the front south corner.

Chairman Santoro – Anyone from the public have comment or questions?

Bernie Donnegan 7632 Main Street Fishers

Mr. Donnegan – Office building right next door to the parcel in question right now for the fence extension. Last week I did not know what it was all about so I spoke to two of the people within the building, Rex and Tom. We actually went out and walked the line. One of the things that would end up happening is two of our trees would be impacted by that extension. The fence line actually runs up on a bank so there is some none usable space so if they actually move the line over a little bit to the bottom down at the edge of that bank and came

across at a little bit different angle they could preserve some of their trees. They will have to take out a nice maple tree and a pine tree to use the space. How they are using it I think we could preserve some of the things you as a Planning Board approved back in 1984 when I came in front of you when I built the building. I want to be a good neighbor.

Chairman Santoro – Are your trees shown on this overhead?

Mr. Bradford and Mr. Donnegan approached the dais to show on a photo of where the trees were.

Mr. Bradford – There is a spruce and Maple on this line. The line is slightly off. What he is saying is where the bank is he has the root system to this maple protrudes out of a three foot embankment. The fence line would have to be at the base of this one bank. It would eliminate 3 pine trees and also a maple.

Mr. Donnegan – This was taken in the winter so the deciduous trees do not show up as well.

Mr. Bradford – I believe this was fall 2018.

Mr. Logan – Sir, what was the address you said your business is? 7632 Main Street Fishers. I have it up on google earth a summertime shot. I assume that maple is the one you are talking about.

Mr. Donnegan – Just trying to preserve that tree. When I talked to the other two people there is quite a slope off where the existing fence is today. It is three or four feet below the driveway. If the fence itself was moved over to where it was flat.

Mr. Bradford – The google earth picture you just had you have to go further west from his main driveway. Those are on the west side.

Mr. Logan – But it is between his building and your building are the trees you are talking about.

Mr. Bradford – From where I am looking at if we were to move this fence line a foot back in and have slight jog and be about two feet off the base of the embankment. Basically on a six foot chain link fence you are really only having the vertical posts going in the ground everything else is above and there won't really be penetration. We can make it so there is no poles that are installed around that tree. It does help block. The main purpose of this area is primarily for parking. We have cranes, dump trucks. From the road with the trees we already have in place you really cannot see anything. The only place you can really see

anything would be if you're on his driveway. Maybe to rectify that some landscaping along the fence line on the outside of it. Small pine trees to block it off.

Mr. Donnegan – There is another major tree that does have block. It goes thru one of his big trees. There is a big pine tree there. Just trying to be a good neighbor too.

Mr. Avila – The comments from Codes, which was from myself, were talking about the three conifers trees that are on the applicants property. Assuming that they were going to be using it for storage those trees would be removed and the one deciduous tree that was in that area. The assumption was that those trees were originally placed there and required as a buffer between the properties. The comment was simply that here may need to be a replacement of the buffer if those trees are removed. I hadn't commented on any of the trees off property on this gentlemen property. My comments do not really pertain to the tree that neighboring parcel is discussing. It was just the buffering trees that were going to be removed from that property line. The comment about buffering around the rest of the area if the Planning Board wanted to consider that in the areas where it is non existing right now.

Chairman Santoro – Is there room for buffering? How many trees you taking out?

Mr. Bradford – I went out there and looked at it today. There are three. I really do not want to angle it off. I rather square it off.

Ms. Zollo – I think if you adhere to what the Code comments were you are removing the three trees and the deciduous but you need to replace them and visually buffer your storage area.

Mr. Avila – There is no requirement from Code. Codes would also be comfortable with a fabric or a vinyl slate screening within the fence. Just a visual buffer. It does not necessarily have to be, and this is purview of the Planning Board, but that would also meet the intent of the Code as far as visually screening the storage area.

Chairman Santoro – We are talking about what the Code requires.

Ms. Zollo – It is Main Street Fishers so I would think that you would want to buffer from Main Street Fishers as well.

There was a discussion at the dais with Mr. Logan, Ms. Zollo, Chairman Santoro and Mr. Bradford on where the trees are on the photo and the fence line.

Ms. Zollo – You already said you were agreeable to some arborvitaes.

Chairman Santoro – You can do something about not damaging his tree and but some visual buffer whether it is slating or foliage. We have a general provision resolution about Code Enforcement Officer dated August 14 that need to be addressed. Anyone else have any questions?

Mrs. Donnegan – I am the other half of that building. You have mentioned protecting the character of the district and our office building has sat next to the roofing company for 30 some odd years. Because there storage and parking is in the back we have coexisted very nicely. We have people coming in and out of the building and windows overlooking there building. Because of all the pine trees it has been fine. Now if you go and look at the back of their storage and you visualize that coming forward next to the office building and the driveway and there is no room to add other buffers. We are right on top. My only comment is that maybe they want to put it towards Highline Park. That is the other side. We are right next to the Highline Park proposal.

Ms. Hogan – We could not see what you guys were looking at but it sounded like you were talking about taking down three trees and then adding back three trees and if that is the case I don't really understand it.

Chairman Santoro – They are in the wrong position.

Ms. Hogan – I hate to see anything taken down that doesn't need to be. If there is a way that they can work around it I would encourage them to do that.

Mr. Logan –I agree with Al's comments and I am glad to see they are working together to come up with a mutually beneficial solutions.

Ms. Zollo – I have made my comments and agree with Al.

Mr. Avila – I would request that there is a specific condition in the resolution speaking to the actual buffer between the properties. If it is the decision of the Planning Board on the south side as well. I know there is a comment regarding from Code Enforcement being addresses but I think from an enforcement standpoint something specific from the Planning Board as to what exactly you are looking for would be far easier on our side to enforce. Be it three trees,

five trees or whatever the recommendation of the Planning Board. A number to count at the C of O.

Chairman Santoro - Particularly that a visual buffer be maintained.

Ms. Zollo –Would you like it even more specific with number of ...

Mr. Avila –More specific makes it easier. A visual buffer maintained is still very subjective to the opinion of the Code Enforcement Officer. If a number suits the Planning Board it definitely would help from enforcement standpoint.

Chairman Santoro – Depends on what they put there.

Ms. Kinsella – You can make a recommendation on that. Say four arborvitae at six feet high. That is very specific.

Mr. Avila – something we specifically look for in say subdivision plans are one yard tree per property. We have other prior conditions of approval where three pine trees are to be planted. If you want to say four arborvitae that are X amount of feet tall. That would be very preferable.

Chairman Santoro – How tall is the fence going to be? Six. A motion to close the public hearing was made by Joe Logan, seconded by Al Gallina. The public hearing was closed.

RESOLUTION

Motion made by Rich Seiter, seconded by Heather Zollo.

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

1. A site plan application was received on July 22, 2019 by the Secretary of the Planning Board for a Site Plan entitled Quest Property Group.
2. It is the intent of the applicant to install a 6 foot high fence on the southeast side the

existing building.

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 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.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 28, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Quest Property Group, 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 Quest Property Group LLC, Site Plan entitled Quest Property Group, received by the Planning Board July 22, 2019, Planning Board Application No. 37-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions to be addressed prior to the chairman’s signature on the site plan:

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That comments from Code Enforcement Officer, dated August 14, 2019 be addressed.

Ms. Zollo – I think it should say that the applicant replace the visual buffer four Arborvitae at least six feet tall.

Chairman Santoro – I can change for instance to by. Will maintain by four arborvitae approximately six feet tall.

Ms. Zollo – Ok.

3. That the applicant replace and maintain the visual buffer to the east with four (4) Arborvitae at least six (6) feet tall.

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 Aye

Approved 5 Ayes, 0 Opposed

Chairman Santoro - It looks like Wes is back. Back on Horsepower Motorworks.

Mr. Pettee – I apologize for not having this resolution ready because I probably could have done it before hand.

Mr. Seiter – Can you confirm or clarify that it says the first two the proposed action of construction of the project. Generally the proposed action may produce result. First is it just the construction of the project or does that refer to.

Mr. Pettee – Anything that is going to result as part of the project.

Mr. Seiter – It specifically mentions blasting for instance, is there any concerns at the town meeting about the noise of the cars and the car shows and the engines. Is that issue weaved into this?

Mr. Pettee - Like the project is going to induce somebody driving by in a hotrod, that sort of thing?

Mr. Seiter – Right. By stating this is a minimum impact does that apply to the neighbors' concerns about the engines and the people driving by and the car shows? Where I sit the construction obviously not going to be a noise issue think the neighbors' concerns that we have heard will be.

Mr. Pettee – I understand your comment. I do remember hearing concerns of neighbors that were at the previous meeting indicating that a potential car show could attract people who own vehicle that might be noisy and there might be instances where they could drive by their neighborhood. I guess there is a potential this project would induce someone to drive by that might have a loud vehicle. Let thinks about the duration of that loud vehicle would be in the neighborhood. Is it permanent? Is it going to be a permanent impact to the environment? Is it mitigatable? Is the Planning Board able to minimize that?

Mr. Seiter – You ask that question to any of the neighbors who raised a concern you will get a different answer. My concern is that saying negative on this document that it is a small impact that is not true as far as they are concerned sitting on their porch sitting listening to these cars. These are car people raising these concerns.

Chairman Santoro – I can't do anything about the motorcycles going down my road without a muffler. It is going to happen no matter what.

Mr. Pettee – For example, let's look at the guidance here from DEC. Small impacts versus large impacts in regard to noise. A Small impact could occur under one or more of these circumstances. If the project produces noise but those noise levels are below regulated levels or if the project produces noise but those levels are below or above regulated levels and they are temporary and will occur only during a short term construction phase. Moderate to large impact, obviously the vehicles going by the duration of that is likely to happen or may happen beyond construction phase of the project. Moderate to large impact, the project will generate or regular or sporadic noise throughout its operating phase above any regulated level. Noise will be generated continuously during day and or night time hours even if the overall ambient noise

levels do not change. Noise will be generated sporadically or continuously and there are residences, businesses, hospitals or daycare centers or other receptors adjacent to the proposed project. Noise levels above ambient conditions will be produced long term. Noise will exceed established standards. I am looking at the conditions of will they be temporarily, will they be sporadic, will they be regular I do not know how to categorize that. I don't know when those cars are going to drive by. One thing the developer has done in regards to the site plan to help minimize or avoid that potential scenario is they have reoriented the entrance to the facility so that it is on the northside of Brace Road versus coming out on the south or southwest side of the parcel closer to the residential neighborhood. That is one way to minimize the potential effect. It is a decision for the Planning Board to make as a whole. It is not my call. I just drafted this up thinking if I was a Planning Board member this is the way I would think or because I am looking at the SEQR guidance this way that is causing me to answer the question the way I have. I will look to the Board for their concurrence on that or if you want to change the response feel free.

Chairman Santoro – Well, let's hear what you got.

Mr. Pettee – This resolution is also going to rely a bit on the narrative I produced to attach to this EAF that we talked about.

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS, the Planning Board made the following findings:

1. A Site Plan application (the "Application") was received on or about June 25, 2019 by the Secretary of the Planning Board entitled Horsepower Motorworks (the "Project"), submitted by Paul Colucci, DiMarco Group, on behalf of ANAC Holdings (the "Applicant") for the property located at 1256 Brace Road in the Town of Victor (the "Site").
2. The Applicant is requesting to construct a Project consisting of a 63,500 square foot facility to house a premier specialty restoration and service center with climate controlled storage for classic and high-performance vehicles.

3. The Planning Board classified the Project as a Type I action pursuant to the State Environmental Quality Review Act, and initiated the Lead Agency coordination process by resolution on August 13, 2019.
4. The Project parcel is located in the Town's Commercial/Light Industrial Zoning District, and Section 211-23, Commercial/Light Industrial District Regulations, Paragraph A of the Victor Town Code states "Permitted uses shall be those permitted in the Commercial District".
5. Section 211-22, Commercial District Regulations of the Victor Town Code allows motor vehicle repair facilities, subject to certain standards identified in Section 211-22, Paragraph A(7)(a)[3] of the Victor Town Code.
6. The Project includes the Applicant appealing to the Zoning Board of Appeals for area variances including:
 - Locating a motor vehicle repair facility within 100-feet of the boundary of any residentially zoned district, where Section 211-22, Paragraph A(7)(a)[3][b] of the Victor Town Code states "The facility shall be at least 1,000 feet from the boundary of any residentially zoned district."
 - Locating a motor vehicle repair facility within 300-feet of any off-site residential structure, where Section 211-22, Paragraph A(7)(a)[3][c] of the Victor Town Code states "Facility structure(s) must be at least 500 feet from any off-site structure(s) of a residential use."
 - Locating vehicle parking 36-feet from the public right-of-way, where Section 211-32, Paragraph A(2)(d)[1][a] of the Victor Town Code states "No vehicular parking shall be permitted within 80 feet of the road right-of-way. The Planning Board may reduce the front setback if there is no need for a future service road or road widening."
 - Locating vehicle parking 76-feet from a residential zoning district, where Section 211-32, Paragraph A(2)(d)[2] of the Victor Town Code states "Buffering. Parking and paved areas shall be buffered in the Industrial and Commercial/Light Industrial Districts from any adjoining residential district by a one-hundred-foot buffer consisting of planting and vegetative cover."
 - Providing 92 total parking spaces (28 banked along Brace Road frontage) versus 120 parking spaces generally required by Section 211-32, Paragraph B of the Victor Town Code.

7. The Project includes the Applicant applying to the Victor Town Board for extension of the Victor Consolidated Sewer District.
8. As involved agencies, the Victor Town Board and Town of Victor Zoning Board of Appeals have confirmed they have no objection to the Town of Victor Planning Board serving as Lead Agency,

NOW, THEREFORE BE IT RESOLVED, that the Town of Victor Planning Board hereby affirms its status as Lead Agency, and

BE IT FURTHER RESOLVED, the Town of Victor Planning Board, as Lead Agency, has reviewed and considered Part 1 of the Long Environmental Assessment Form, application materials, public comments and environmental record concerning the Project, as well as completed the applicable Parts 2 and 3 of the Long Environmental Assessment Form and identified no significant adverse impacts;

AND BE IT FURTHER RESOLVED that no potential significant adverse environmental impacts were identified with the proposed Project 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,

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the Planning Board's SEQR determination.

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

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

Approved 3 Ayes, 1 Opposed, 1 Abstained

Ms. Zollo – I am sorry I missed the public hearing and all the comments from the neighbors and the people from the Serenity House so I would like to abstain from voting on this?

Chairman Santoro – Yes.

Ms. Zollo – I am going to. I do not feel comfortable with this where it is and I did not get to hear all the feedback from the neighbors. I think there are so many vacant properties on 96 that could be converted. Not a good place.

CHRISTOPHER SUBDIVISION

02-MS-19

7850 Royal Woods

Zoned – Limited Development District

Applicant is requesting approval to subdivide a 3 acre lot from an existing 17.247 acre lot to build a single family residence on.

Glenn Thornton of Thornton Engineering

Mr. Thornton – The applicants hope to subdivide a 3 acre parcel to build their new primary residence. Right now they live up on top of the hill and this would be at the bottom of the hill down on Benson Road. We did need a density variance to allow the subdivision of the 3 acre lot and that was granted by the Zoning Board back in April with some conditions that we provide additional conservation easement with in the larger parcel which was around about 14 and quarter acres and also to provide 1.5 acres of conservation easement within the new 3 acre parcel being created. They are proposing to build approximately 2,100 sf 3 bedroom home. We have done all the engineering for the site plan and have presented that. We have received comments from the Code Enforcement Office, the Town Engineer, the Fire marshal and we can easily address all the comments received to date. We did not see any show stoppers there.

Chairman Santoro – They were here a few months ago on an informal.

Mr. Thornton – Correct. Not much has changed since then. We have obtained the variance and trying to move forward.

Chairman Santoro – Anyone from the audience wish to ask a question?

Joseph Hurley of 249 Benson Road

Mr. Hurley – My wife and I live there on Benson Road and we also own the 45 acre parcel directly north of our home which is opposite the road proposed home site. Benson Road is a beautiful road and that location is a beautiful spot for a home. We would welcome the Christopher's developing that particular parcel and having their home there. I walked down the road today and I did see a number of trees with X's on them which I presume means that those would come down. That parcel does have a pretty good number of beautiful mature Oak and sugar Maple trees and I did not see X's on those trees so I certainly appreciate the fact that it appears those trees will be preserved. There is one very nice Basswood tree that I would wish did not have an X thru it but it does and I suppose it is a small price to pay. I assume the lack of X's on those mature Oaks and Sugar Maples means that those will be preserved in this development.

Mr. Thornton – Joe is correct. Those are the ones that will be removed and I agree with him there was one nice Basswood but there was no way to avoid it.

Chairman Santoro – Basswoods are lightening attractors. I know from personal experience. Anyone else have any comments?

Peter Kaas property across the street

Mr. Kass – I was here at an earlier meeting and there was a talk of adding a triangle of land from the railroad to the road then out towards the proposed parcel as conservation easement. Is that what happened?

Mr. Thornton – Yes it has. That is what is being proposed on. I will point out where that is. We are intending to place that in conservation easement.

Mr. Kass – Thank you that is what I wanted to hear. Thank you.

Chairman Santoro – Anyone else?

Chairman Santoro – A motion to close the public hearing was made by Joe Logan, seconded by Al Gallina. The public hearing was closed.

RESOLUTION

Motion made by Al Gallina, seconded by Joe Logan.

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on July 22, 2019 by the Secretary of the Planning Board for a Minor Subdivision entitled Christopher Subdivision
2. It is the intent of the applicant to subdivide a 3 acre lot from an existing 17.247 acre lot to build a single family residence on.
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 application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The Conservation Board reviewed the Unlisted Action on August 6, 2019 and identified no significant impacts.
7. That pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on August 28, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Christopher Subdivision, will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE, BE IT RESOLVED, that the application of Ranee and Felix Christopher, Minor Subdivision entitled Christopher Subdivision, drawn by Freeland-Parrinello, dated July

2019, received by the Planning Board July 22, 2019, Planning Board Application No. 02-MS19
BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the minor subdivision plan:

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments in a letter dated August 1, 2019 from Fire Marshal be addressed.
5. That the comments from Code Enforcement Officer dated August 14, 2019 be addressed.
6. That all conservation easements show placement of markers on final plans.

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

1. That the minor subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, Autocad 2002, or latest version, effective January 1, 2004 (per Town Board Resolution #193 of June 23, 2003).
3. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

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,

VICTOR VIEWS ASSISTED LIVING

39-SP-19, 08-SU-19

1440 State Route 444

Zoned – Residential 2

Applicant is requesting approval to create a 12-bed Assisted Living Residence to an existing single story 4,204 sf structure.

Scott Fiske of Pardi Partnership Architects

Mr. Fiske – I am here tonight with Alyssa and Zach Poole who will be the owners. Alyssa will be the operator of it. I thought we would start out with having here giving you a brief over view of what this is going to be about as this is an informational meeting tonight and then I can fill in to coments that we have received so far.

Ms. Poole – Good evening my name is Alyssa Poole and I am here with my husband Zach and we are planning to open a 12 bed residential assisted living home with the emphasis on the homelike feel. Right now you know you are aging you are moving into what they typically consider the big box institutionalized facilities that we see around here. We would really like to make this home a home for the elderly to go when they can no longer live at home independently or under the care of family members. Here it will be staffed 24 hours a day 7 days a week. The staffed resident ratio is the most benefit that people will get from a home type setting like this. Big box facilities you typically have one care giver for 10, 16 or 18 residents. In this home we are planning to have one caregiver for 5, 6 residents. That way they do get the care they need and the personalized attention they need and it will be very client-patient center focused. Any questions with that brief overview of what we are doing?

Chairman Santoro – You will need health department approval?

Ms. Poole – Correct. Everything has to go thru the State as well. We are in the process at the same time of filling out the very lengthy State application and getting all of that submitted to the State and the Department of Health does come every two years and inspects it.

Chairman Santoro – Anyone from the public? The Board?

Ms. Zollo – Not right now. I am listening and looking over the paper work.

Mr. Seiter – What degree of assisted living?

Ms. Poole – Basic assisted living which is help with grooming, bathing, dressing, toileting and these individuals that will be living in this home they will be able to ambulate or propel wheelchair independently majority of the time. It will not be memory care or enhanced assisted living services. Meals will be provided and laundry service and housekeeping also. We will have recreational activities on site. Preplanned meals planned out by certified dietician as well.

Mr. Logan – there is a good need for this type of facility. I think it is a good location and always thought that house was interesting architecture. Considering I live around the corner I go by it a lot. Are you planning on expanding the footprint of the building or working within it?

Ms. Poole – We are just working within it.

Mr. Logan – Looked like a lot of renovations. Interesting use I think it is a good one and needed in the community. I do support it.

Mr. Gallina – I agree with Joe. In fact I recall just down the street there was a proposal for a similar facility that never materialized. I am in favor of the concept.

Chairman Santoro – Have you seen the Fire service plan review?

Mr. Fiske – We have received comments from Zoning, Fire Marshal and from building department. Everything they have made referenced to is all things we will be addressing. Building primarily has to be sprinkler-ed. I know you have a local, state law that requires that. It will be sprinkler-ed building. Fire Marshal made comments about we had shown a proposed walk around the building so that we had access. We showed it at 5 feet and he asked for eight. I would like to suggest maybe 6 feet. It meets the accessibility criteria. It is a little easier for use to build it considering everything we will have to do on the site. We

had initially shown four parking spaces. We put this together very quickly because we wanted to get in and get the process started here. We have paper copies of a more current site plan. We will be submitting it very shortly. The small garage is now gone and there will be five parking spaces. The grading has been looked at more carefully so the retaining wall is somewhat shorter. Roof drainage will be combined with the sidewalk drainage and the retaining wall drainage and run out to grade on site. We have addressed many of those points. We haven't seen anything yet that may create an issue for us.

Mr. Logan – One question I had regarding the parking. It doesn't appear that you have enough spaces for a lot of people to visit at the same time.

Mr. Fiske - We have the five spaces that are required. This is a very low visit facility. It does not get a whole lot of visitors and very small scale.

Chairman Santoro – Do you have room for the assistants?

Mr. Fiske – There are only two employees.

Chairman Santoro – Included in the five?

Mr. Fiske – yes. It meets the Zoning criteria.

Chairman Santoro – That will be three spaces taken up.

Ms. Poole – During the day there is the three for the employees and the two extra. Residence will not have cars there so we do not have to account for them. It would be primarily family coming in at different times visiting their loved ones.

Chairman Santoro – Is there room for more parking?

Mr. Fiske – There really is not. It is a tight site and we did make the decision to take that small garage down to create a few spaces and to make the required accessibility zone. If we had to ring one more space out of it and it would put it in front of the building and now you are parking cars in front and didn't think that that was going to make the building as presentable. It already has the curved driveway. We have laid out the Fire Marshals truck template and it will work for them to come in and exit from it. Those things are all on our updated site plan. We have shown Fire Department connection, water service and there is a fire hydrant within

300 feet to the south of the building. I have Parrone engineering doing the water service and a design for us. We will have that shortly.

Chairman Santoro – This isn't too far from the intersection of Boughton Hill Road?

Mr. Fiske – I am not terribly familiar with the area but I do not think it is too far.

Chairman Santoro – There is a lot up on that corner that has parking in front.

Mr. Fiske – I am not saying we couldn't do it we were just reacting to what we had for zoning requirements and trying to look how to minimize the impact to the front of the building.

Mr. Gallina – Do you have any existing facilities that you operate that has parking conditions?

Ms. Poole – We do not currently. Our goal is to keep it as residential looking as possible for both the residents and the families coming in and out. We want them to feel like they are going to live their loved ones in a home not a facility. That was where we were looking at as far as having the parking not in front of the building and more to the side.

Mr. Gallina – Maybe it is an opportunity to land bank or something. I think that two visitors... there could be a time where a third one shows up then where so they park?

Mr. Fiske – We can certainly look at it and we will see if there is any more available space. It will be in front of the building. We already know that we will be asking for relief from the Board for the closeness to the south property line. We are closer than the 10 foot requirement.

Mr. Logan – I was going to suggest looking at going past where the garage was and putting employees in the back like that and still having three or four paces available up front. I do not know how it drops off or anything.

Mr. Fiske – It is a pretty steep grade change. When you come in it is a fairly steep rise there. I would rather one more space up front or even if it seems possible two in a parallel park situation rather than try to climb up that hill and deal with water runoff and coming back down the hill towards the facility.

Mr. Logan – I think you are hearing some skepticism among the Board that there is adequate space for people coming in to visit loved ones. Finding another solution for employees would be in your best interest.

Chairman Santoro – Maybe I am missing something but I only see four spaces?

Mr. Fiske – That is correct. At the time we submitted this it was four and we have updated and we now have five. I have updated paper drawings here I can leave for you. We will have it updated and submitted shortly to the Town.

Ms. Zollo – Did you see the comments from Al Benedict that a resident in the neighborhood asked about a septic line. This is on sewer correct. A neighbor has a septic that connects. You will have to take a look at this and the neighbor has some legitimate concerns.

Chairman Santoro – Did you see this from DOT? If you are going to be doing any work.

Mr. Fiske – Yes we are aware. We have to contact water authority, sewer and all of that.

Chairman Santoro – We will look forward to your next presentation.

There were no other discussions.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 10:15 PM

Lisa Boughton, Secretary

