

A regular meeting of the Town of Victor Planning Board was held on Tuesday, September 10, 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, Zachary and Alyssa Poole, Scott Fiske. Ben Diskin, Margaret Strong, Steve and Brittany Neikam, Fred Edmunds, Enrica Sharp, Dave Schond, John Graziote, Mike Copal, Matt Tomlinson, Paul Colucci, Caleb Strong, Brennen Colwell

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**

No Minutes to approve

### **CORRESPONDENCE**

- Gerald Gleichauf re: Victor Views Assisted Living
- Christopher Barber re: Victor Views Assisted Living

### **BOARDS & COMMITTEE UPDATES**

Planning Board reported by Kim Kinsella

- September 24th meeting
  - Public Hearing
    - Mixed Use Overlay District Workshop with Mark Tayrien
    - Reh Garage located on 6831 Colyer Crossing, requesting approval to construct a two story storage building measuring 1,800 sf with a 13 x 6 porch.
    - Village East Apartments located 7410 Forest Trail, requesting to amend the current PDD to add additional parking for a total of 83 spaces plus 15 land bank spaces.

**PUBLIC HEARING**

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

**EXTENSION OF TIME**

**EDMUNDS DECK – 90 DAY EXTENSION REQUEST**

13-SP-18

7745 Peepers Hollow Dr.

Zoned – Limited Development District

Owner – Fred Edmund

Applicant received approval on August 15, 2018 to construct a 170 sf elevated deck with stairs accessing to backyard. Applicant is requesting their first 90 day extension of this approval.

Fred Edmunds of 7745 Peepers Hollow Dr.

Mr. Edmunds – I had all the greatest intentions last year and we did not get it started. I am going to need a little bit more time and hopefully rope some buddies into helping me out. Working on the application for Planning Board. I just need a little more time. How many extensions do I get if I don't get this in this fall?

Chairman Santoro – Two. This is your first one. You get one more or else you will have to start over.

**RESOLUTION**

Motion made by Joe Logan, seconded by Heather Zollo.

RESOLUTION – Edmunds Deck  
7745 Peepers Hollow Drive

DATE: 09/10/19  
Appl. No. 13-SP-18

WHEREAS, in a letter dated August 15, 2019, Fred Edmunds of 7745 Peepers Hollow Drive, requested a 90-day extension of time for application titled Edmunds Deck, therefore, be it

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

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

**STRONG BARN**

40-SP-19

7546 Lower Fishers Road

Zoned – Limited Development District

Owner – T. Caleb Strong

Applicant is requesting approval to construct a 1,200 sf barn for personal storage. It is in a LDD.

T. Caleb Strong of 7546 Lower Fishers Road

Mr. Strong – We have quite a bit of property there and have for a long time. Well over 100 acres that we farm and take care of. I have several tractors and implements things that need to be sheltered and we do not have one anymore. Looking to build a structure I can put it in. I am in the LDD and trying to put it somewhere with least objections from the neighbors. A new development has gone up in front of our property and with the way our house is situated back against the woods it almost impossible to not put it forward line of the house. We want to put it up by the garage where it is least in site and of the neighbors. It makes the most sense to put it there. It is common in our area where a lot of structures are forward of the frontline of the house. Most are backed up against the woods.

Margaret Strong

Ms. Strong – It is not unusual in our area to have a long driveway and your house is up against the woods and if you want to put in anything it would be by the house or in front. There are woods behind and the long driveway. You have a lot of property and build your house up

against the woods for the nicest views. We are in a very secluded area and do not think it will upset anybody.

Mr. Strong – I know there is in the LDD but probably most everywhere in town. They do not really want us cutting down woods and they much rather see us not take down the forest. I think they rather us have it on the 4 acres that we mow rather than cutting down the woods behind our house. Thought there would be least objection from the town as far as not taking down the woods behind us.

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

Mr. Gallina – It looks like the applicants have already received a variance on the location of the barn. The only questions I have is do you have any elevation views or colored rendering to depict what the structure will look like when completed.

Ms. Strong – Yes, I handed some in and it will be all bronze. Bronze roof bronze structure.

Mr. Gallina - You have already submitted that to the building dept.?

Ms. Strong – Yes.

No other Board members had 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 Heather Zollo.

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

1. A site plan application was received on August 5, 2019 by the Secretary of the Planning Board for a Site Plan entitled Strong Barn.
2. It is the intent of the applicant to construct a 1,200 sf barn for personal storage and is in the Limited Development District.

3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on September 10, 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 a Short Environmental Assessment Form was prepared.
6. The Code Enforcement Officer reviewed the application on March 29, 2019.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 10, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Strong 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 T. Caleb Strong, Site Plan entitled Strong Barn, received by the Planning Board August 5, 2019, Planning Board Application No. 40-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 September 10, 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. That a building permit be obtained before the start of construction.
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

**NEIKAM TURNAROUND DRIVEWAY**

42-SP-19

6757 County Road 41

Zoned – Residential 2

Owner – Steve & Brittany Neikam

Applicant is requesting approval to allow existing neighbor's driveway to remain. The existing neighbor's turnaround does not meet the 10 foot separation from driveway to property line.

Steve Neikam of 6757 County Road 41

Mr. Neikam - As you see the neighbor's driveway inches over our line by a couple feet there and we have an agreement with them that they understand it is over the line but we are seeking this waiver. We don't want to move in as the new neighbors and these people who have been there for however long and make them rip up their driveway. We are seeking this waiver so that everything can remain as is.

Chairman Santoro - Anyone from the public have any comments? We have not heard anything from the next door property owner?

Mr. Logan – You are being a good neighbor. That is a plus.

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 August 7, 2019 by the Secretary of the Planning Board for a Site Plan entitled Neikam Turnaround Driveway.
2. It is the intent of the applicant to allow existing driveway turnaround at 6747 Country Road 41 to remain. The existing neighbor's turnaround does not meet the 10 foot separation from driveway to property line.
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 September 10, 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 memo dated September 10, 2019.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 10, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Neikam Turnaround Driveway, 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 Gerber Homes, Site Plan entitled Neikam Turnaround Driveway, received by the Planning Board August 7, 2019,

Planning Board Application No. 42-SP-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

- 1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.

**Ongoing conditions:**

- 1. That 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

**TARGET DRIVE UP SIGN**

7500 Commons Blvd.

Owner – Dayton Hudson Corp.

43-SP-19

Zoned – Planned Development

Applicant is requesting approval to install sign-age for a drive up service. It consists of one (1) 12’ solar powered, internally illuminated drive up sign.

Ben Diskin of Kimley-Horn

Mr. Diskin – Basically what this is is just a 12 foot sign internally illuminated to signal guests where the drive up service is, the six parking stalls and that’s it. It is close to the store for safety

so it is a quick route and visibility from the front of the store so we can always have visibility on the employees delivering goods out to the customers. The turnaround time on this drive up is about two minutes per customer.

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

Mr. Gallina - A question operationally is how do you prevent just anyone from parking there and consume those six spots?

Mr. Diskin – Technically they won't be allowed to enforce it but they will be written saying it will be for drive up. Typically customers will go to another spot that looks normal.

Mr. Logan – Is it just the one sign you are putting up?

Mr. Diskin – It is just the one for the six spots.

Ms. Zollo – The one sign is for two spaces?

Mr. Diskin – It sits in the center and there is four stalls and a loading zone in the center. It sits in the center so that it can signal and that is where the employees will stand when they are delivering the goods.

Chairman Santoro - Did you see the opinion from Codes?

Mr. Diskin – Which one is that?

Chairman Santoro - Saying that you do not need a permit? That is what it says.

Mr. Diskin – that is why I am here because of the square footage of the writing.

Chairman Santoro – It says it does need a permit. It is in his opinion that the proposed sign closely represents a traffic control sign.

Ms. Kinsella – He needs a permit for the sign. Yes.

Chairman Santoro – You are aware that the illumination of the sign is limited to the hours of operations? *Yes*

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 August 6, 2019 by the Secretary of the Planning Board for a Site Plan entitled Target Drive Up Sign.
2. It is the intent of the applicant to install sign-age for a drive up service. It consists of one (1) 12' solar powered, internally illuminated drive up sign.
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 September 10, 2019 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The Code Enforcement Officer reviewed the application on August 12, 2019.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 10, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Target Drive Up Sign, 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 Ben Diskin of Kimley-Horn, Site Plan entitled Target Drive Up Sign, drawn by Kimley-Horn, dated July 25, 2019, received by the Planning Board August 6, 2019, Planning Board Application No. 43-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 12, 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. That a building permit be obtained for the sign.
3. The applicant shall be aware that illumination of signs is limited to the hours of operations per §131-10B.

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

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.

Chairman Santoro – Are we waiting for Fire Marshal Comments? Did you respond to the Fire Marshal?

Scott Fiske of Pardi Partnership

Mr. Fiske - I did. To my knowledge we have responded to all comments. I had just recently just responded to Mr. Turners comments from the Village about the sewer. The existing sewer line that is there is sufficient for the project. We had our engineer verify that. Right now I believe we have covered all the comments that have been sent to us. We took a look at the parking after our initial meeting with you and we have created few more spaces so that we now have six spaces that we can park in. Once we decided to take the garage down we were able to look at adding a few more spaces up in the back. Those will primarily be employee spaces. I think we have covered everything you have asked us to take a look at at his point.

Chairman Santoro -Anyone in the public have any questions or comments? We did receive written comments from some of the neighbors which was approving.

Ms. Zollo – When I was looking at the layout last week so only some of the rooms are going to have a bathroom?

Mr. Fiske – that is correct.

Ms. Zollo – The others are in the hallway?

Mr. Fiske – That is correct. With the physical size of the building the design was such, Alyssa can speak more to that if you need it, we could not fit a bathroom for every unit and on some we would assume people would share. It falls within the guidelines of NYS Department of Health.

Ms. Zollo – Thanks. That is all I had.

Mr. Logan – I appreciate you looking at the site where the barn/shed was. I drove by it a couple times looking at a little more closely from the road and it did look like that could be an area that would allow additional parking.

Mr. Fiske – It is tight and we understand we need a waiver from the south property line but I think considering the benefit we are getting out of it.

Mr. Logan – I got the impression it was a common concern that the number of parking spaces you were able to show.

Chairman Santoro – I like the addition of the extra parking spaces and I thought you were a little short last time.

Mr. Pettee – I have a question. As has been stated that he has satisfied the DPW comments, John Turner did respond indicating that his comments has been addressed. Could you elaborate on the 4” sanitary service? Then the neighbor was asking for a backflow preventer but that will not be installed as part of this project?

Mr. Fiske – He did not ask for it that was suggested by the Village and the Village engineer suggestion was that if he wants one we should pay to put it in. What he was referring to was not an RPZ but a backwater preventer for the sewer line. I am not even sure if that is still legal. I was confused by that and did respond to him by email and he got back to me and said we had answered all his questions so he was satisfied.

Mr. Pettee – As long as he is satisfied. Thanks.

Chairman Santoro – We just got those comments today. We do not have a resolution for you tonight. We will have one next time.

## **FINAL SUBDIVISION**

### **PIPER MEADOWS TABLED TILL SEPT. 24**

02-FS-19

860 & 870 High Street

Zoned – Residential 1

Owner – 860 Andrew Glasgow (20.40 acres) & 870 Glenn Piper (20.6 acres)

Applicant is requesting approval for a 41 lot subdivision on 41.09 acres. The project is comprised of 2 adjacent parcels approximately 20 acres each and will consist of 2 existing single family homes and 39 additional lots. Section 1 will consist of 21 single family homes and Section 2 will consist of 20 townhouse lots (ten 2-unit bldgs). This will be the last step in a 3 step process for a major subdivision.

### **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. Determination of Lead Agency.

Matt Tomlinson of Marathon Engineering and Paul Colucci representing the owner

Mr. Tomlinson – Since we appeared before you last time and received the negative declaration on SEQR that no negative impact on the environment would occur as part of this project we then were tabled by this Board prior to the Zoning Board approvals which we did receive last week for four of the variances. One of the variances was specifically tied to Phase II of this project which is a request from relief from the buffer in the southeast corner of the property. We anticipate that on the final site plan that we have signed and as we go thru the final review process with Town staff we will add some notes to the plan identifying that hat variance was not granted and will need to be granted for future expansion for Phase II if and when that happens. As this Board know s we have been here several times and presented the information and gone thru several rounds of comments and review which we have addressed in writing. We anticipate wrapping up those relatively minor outstanding comments as we proceed to the signed plans. So with that unless the Board had specific questions that I could answer that are new from last time I would be happy to leave it you guys.

Chairman Santoro – I believe the public hearing is still open. Anyone I n the public have any comments or questions? Anyone from the Board?

Mr. Gallina - Unless I miss something along the way I think this is the first time I have seen the elevations. I would like to have some dialog around that but from site plan perspective I have no other questions or comments. This is the first time we are seeing the renderings and it certainly is a quite modern looking structure so to the extent that we can do anything to make it more in line with the historical perspectives we have been trying to install in the Town, particularly in the Route 96 area. I think I would like to see something more than a stark modern building.

Mr. Tomlinson – I am going to let Paul talk about that.

Mr. Colucci – We had submitted the elevations back when we made the application. Why this is the first time we have had this dialog is news to me as well. We are happy to talk about it.

Chairman Santoro – You submitted to Zoning Baord but not to us. It is the first time we have seen it.

Mr. Colucci – Understood that there may have been some mix up there. Talking with Kim earlier, we would be happy to work thru or put a condition in the approval so granted tonight that we would come back and refine our architectural elevations. It being an automotive facility the bulk of the building is going to be a pre-engineered metal building.

Mr. Gallina – I understand that here are going to be practical limitations to what we can do but as it is depicted today there can be some refinements done.

Mr. Colucci – One of the factors going into this development of this site is we sit pretty well below Route 96 and trying to capitalize on the visibility is one of the elements we incorporated into this building was that central piece. The store front to bring light at night activity to demonstrate there is something there beyond just a metal building. The remainder of the building and colors are reminiscing of there logo. And how they have developed there brand. If there are colors that we want to talk about I am happy to discuss that. We did want it to be somewhat of a modern looking building.

Mr. Gallina –It is kind of ironic in and on of itself. Classic cars modern building.

Mr. Colucci – There is a mix of vehicles that they service. Everything from very high end brand new sports cars to classic cars and restoration. I would be interested to see what your thoughts are relative to trying to make this building in and of itself a large metal building more reminiscent of historic along that corridor. I know certainly what we have seen a little further west along Route 96 with the buildings that have been constructed as of late i.e. Railside and others have more gabled roof and shingled roof and somewhat a timber frame flair to them. We haven't thought about introducing any of those types of material into this building just from a practical standpoint of trying to incorporate that into a metal building. Trying not to make it look contrived. I think if we try to apply materials that do not make sense to this building it will look contrived.

Mr. Gallina- I think some simple enhancements like some windows and the doors and some eave work over the doors. Something.

Mr. Logan – You don't have to have actual penetrations to put some architectural features on the perimeter of the building. We don't know what it looks like in the back and I am presuming more of a box or at least the way that it appears here. The two story part is that just a front showroom?

Mr. Colucci – That is correct. Two story element is the front showroom and there is a mezzanine where there would be office and some storage in the back part.

Mr. Logan – How far back does that go over the main façade?

Mr. Colucci- Pretty much all the way to the back.

Mr. Logan – It is that height down the core and the width of the building? I think another elevations of all four sides is what I usually ask for and would be helpful here if you are having neighbors seeing it from the other side. Light coming out of an all glass façade afterhours I think is a challenge for this Board. You want to make sure the light is toned down dark sky and all of that. I would like to talk to our Architect and see if there is something he would suggest given the practicality issue you have eluded too and you have spoken to as well. Maybe we can break this up a little more. Not in materials necessarily but in colors and textures so it is not big linear thing. I know years ago if you remember the Rosa n Sullivan right by Planet Fitness that should have not been one long building. If you look at our architectural guidelines it talks about breaking up the façade. Now this scale shows it is broken up because of one large center piece but the whole rest of it is one level and one look. I think that our Architectural Consultant will certainly have some reasonable comment and modifications whether it is color or simply just false windows or false openings of some sort.

Mr. Colucci – We would certainly be open to those types of enhancement. The articulation was first looked at vertically with raising this central element which I think is a very generous testament top trying to look like it belongs on a commercial corridor. Then there is a bit of horizontal articulation as you can see but we can get into that a little further. As you wrap around the building you see doors that access specific parts of the project. We can bring in elevations showing all four sides of the architecture. The east side those doors repeat themselves and that is where the storage facility will be.

Mr. Logan – Cars will be going in and out from the side correct?

Mr. Colucci – On the back there is doors that access specific functions as well as on the west side. We can bring those in and I can talk and engage with the Board relative to getting a building elevation and a look that is commensurate with the Route 96 corridor.

Mr. Tomlinson – A reminder that one of the items we have added to the site plan is that large berm in that south west corner so the rear of this, I believe about 20 feet to the top from the lower section. We're going ten feet plus vegetation so there is going to be pretty limited views from the street to the rear of the building.

Mr. Logan – For me it is more of a light during the wintertime if you have a lot of snow with no foliage to restrict the light shedding off the property. All the way around.

Mr. Tomlinson – The rear does not have much in the way of glass. I do not anticipate any glare from the backside.

Mr. Logan – All the lights should be down.

Mr. Tomlinson – The latest package that we submitted to Wes included the building mounted lighting for the cut sheet for what those fixtures would be.

Mr. Logan – I personally don't see problem continuing the discussion on the architecture and it not holding up for me the application. We do need to have that conversation before we can allow the building to be constructed.

Mr. Colucci – If you wanted to put a condition that we come back for final review of the architectural elevations I could work on a little bit with Don ahead of time with some sketch type ideas and then come back and engage in a more thorough dialog with the Board.

Mr. Logan – It looks like you have all of the vehicle storage here 3,6 7..21. Are they stacked and have elevators or lifts?

Mr. Colucci – There are lifts.

Mr. Logan – How high? Two cars or three cars?

Mr. Colucci – It could go three high right now they use two.

Mr. Seiter – What roof top equipment?

Mr. Colucci- There will be two units split system. A furnace and a condensing unit that we anticipate to likely be ground mounted condensing unit. The only space that is going to be cooled is the showroom and the office corridor which is a very minor amount. The rest of it is fans inside to circulate air. Typical space type heater.

Mr. Seiter - You said a furnace? You would need a wall there. I don't know what the dotted line is. Auto shops have certain criteria for air changes per hour and what not. You will need a fan at the paint shop, body shop and over in the storage area. You drive those cars in and out of storage?

Mr. Colucci – the cars are driven in and out of storage.

Mr. Seiter – You will need an exhaust there. You will have to halve something on the roof.

Mr. Colucci – We will have the requirements to maintain indoor air quality and we have on the mezzanine set aside some space for the mechanical equipment. We have not gotten that far.

Mr. Seiter – Inside ventilation?

Mr. Colucci – Yes all the indoor air quality would have to be maintained and like I have said we have maintained some room on that second floor of the mezzanine and on the ground floor for mechanical equipment.

M. Seiter – What is the footprint of the mezzanine?

Mr. Colucci – Over the offices and then thru the center core of the building. The whole front to back.

Chairman Santoro – Is it opened or floored over?

Mr. Colucci – It will be opened. Essentially over the top of the center mechanic bays there would be a mezzanine with a gated rail for safety where they could lift parts that are specific to certain restoration projects so they are up off the floor and more housekeeping. They can store those up as they are waiting for other parts to come in.

Chairman Santoro – Is the purpose to have extending the mezzanine all the way to the back. What is the purpose?

Mr. Colucci – Storage.

Chairman Santoro – It is going to be floored over then. Floor that goes right straight to the back.

Mr. Colucci – It would be like a U. You could access it and would extend in from the sides. Do you have a floor plan?

Mr. Seiter – The HVAC is going to require building openings, louvres, fans and etc. I think they should be incorporated into your renderings.

Mr. Seiter – The paint room exhaust. Will that be thru the floor or the roof?

Mr. Colucci – We have not gotten that far yet and we anticipate that it would be thru the wall with it. If we can't make it through wall we would go thru the roof. That is on part of the building where the ceiling height is a little bit lower.

Mr. Seiter – Have you done a wind study? Something that exhausts out and carried.

Mr. Colucci – Any exhaust from the paint booth would have to be thru the filter. It is essentially a piece of fixture that comes in that would have to meet all the regulations.

Mr. Seiter – You mentioned equipment on grade outside?

Mr. Colucci- Potentially condensing units on the grade.

Mr. Seiter – That would need to be screened.

Ms. Zollo – So the paint booth you are venting thru the side wall. There will be mechanicals on the side wall to vent that.

Mr. Colucci – No. The exhaust fan would actually be incorporated either inside the building right on the ceiling of the paint booth so it creates negative pressure and then the exhaust would be to the exterior, either thru the roof or out a side wall. Facing the west would likely be a little bit of a challenge with the back pressure so potentially that would go through the roof.

Mr. Seiter – That is my point about the wind study. If you discharging the paint exhaust and you have the fan in the space then you positively pressure duct work in the building.

Mr. Colucci – We have not gotten that far yet. We are going to advance the next round of MEP studies.

Ms. Zollo – I would concur with Joe and Al about the architecture. It is unbelievably ultra-modern. I would like to see something that works with the 9 corridor and especially when you are near te park and the residential area. Did you say that this glass area is just in the front or does the glass extend all the way thru?

Mr. Colucci –Just in the front.

Ms. Zollo – It is just conventional wall and ceiling in the rest of the two story area.

Mr. Colucci - The other three sides essentially are metal panel with red doors specific to function of the building.

Ms. Zollo – I was not clear when you said it was going all the way thru I was picturing the glass going all the way through.

Mr. Colucci- The only reason we want to put that glass on the front is just for that element that draws some interest to the building from the corridor.

Ms. Zollo – What kind of lighting is going to be on that front glass area? Is it going to be spotlights?

Mr. Colucci – We did submit the building mounted fixtures are direct cutoff.

Ms. Zollo – I mean interior because we have had issues with interior lighting before where the glass is that it is blinding when you are outside the building.

Mr. Colucci- Heather I would say that we definitely want this building to be visible from Route 96. It is why they chose to be on this corridor and purchase this piece of property. We sit about 20 feet below Route 96 hence why we brought an element for some height so it can be seen.

Ms. Zollo – I am talking about the interior lighting so that is going to be visible from the road. You want that?

Mr. Colucci – Yes.

Ms. Zollo – So do we have anything in our Lighting Code that deals with interior lighting being obnoxious and not full cutoff?

Mr. Pettee – I believe there is something about resulting illumination from the interior of a building and the strength and intensity of that light. I can look at that portion of the Code with Al Benedict.

Ms. Zollo – I know they want to be visible but visible with taste.

Mr. Gallina – We don't want to create a lighthouse effect.

Ms. Zollo – Exactly. Thank you Al. My other question I had is what is Phase II?

Mr. Colucci – Phase II is shown on the site plan for a full expansion at some point and we don't know when of up to 63,500 sf. That would be expanding this building to the east essentially.

Ms. Zollo – Can you show me on the diagram? And the back?

Mr. Logan – Can you use the laser.

Mr. Colucci – Sure. Off this what is right now the north east corner it goes easterly, then southerly then over to this corner.

Mr. Logan – That is the line you have on there that would be an expansion of the building.

Mr. Colucci – Then the parking expansion would move over to this location.

Ms. Zollo – That is the variance that you did not get?

Mr. Colucci – Yes we rescinded that one. We really did that just...the Zoning Board thru the public input process said “show us that you are going to be a good neighbor and we will consider that variance at some later date when you have been here operating” and we agreed that that was acceptable to us and we wouldn't push for that variance so we rescinded it. Basically they got comfortable saying all right you can build in this building envelope and if you ever need to expand this building we couldn't do any drive or parking around it and would have to come back and seek this variance.

Ms. Zollo – So that further reduces your setback then?

Mr. Colucci – Correct. We would request the variance from 100 feet to 76 feet would be required. It is a parking not a building setback.

Mr. Logan – You have mentioned Paul that you are not going to air condition the balance of the building just the showroom and front space. That brings to mind a concern about how do you get cross ventilation and good ventilation in the building. I can imagine it will be easy step for someone to say let's open all the garage doors and have air ventilation go thru there and then you get the noise from inside the building coming out. What have you planned to try to avoid that scenario?

Mr. Colucci – Working with MEP group we will wind up having a lot of air movement in there and they are actually called “big ass fans” which are large fans that are set up in the high bay space and they will be able to move large volumes of air for comfort inside.

Mr. Logan – I can just imagine a 90 degree day in there thou it would be a tough one.

Mr. Colucci – You also have if it is 90 degree hot and humid you're just introducing all that humidity into the building. So if they are able to have air movement in there and keep doors closed it will be to their benefit since they will be shielded. The building envelope will have to meet all of the energy codes for insulation.

Mr. Logan – That might play into your good neighbor question or concern from the drawing board.

Chairman Santoro – It looks like we have some questions to be answered. Plans have to show thigs we discussed tonight. Architecture has to be looked at again. I do not know if we are in the position to give you a resolution tonight. Get us that stuff and put you on when you are ready.

Mr. Tomlinson – Are there site plan concerns that you are referencing because these all sound like building related comments relative to architecture, air handling?

Chairman Santoro – That is part of the review process.

Mr. Tomlinson – Understood but if there is a condition that we need to return for the architecture portion that would allow us to move forward with the site plan.

Chairman Santoro – I heard other comments.

Mr. Tomlinson – So it is all mechanical stuff that like I said if there is a condition that we return for some more in depth dialog on architecture.

Mr. Pettee – Generally with the rooftop equipment that is something that we would if there was architectural concern or visibility concern that could be addressed through the architectural review. The layout and configuration of where that happens on the roof as long as that particular feature were to be screened somehow.

Mr. Seiter – You said that you really are not that far along in the MEP design. Who is your firm?

Mr. Colucci – It is SWBT. Our lead Architect is Don Panon.

Mr. Seiter – They don't have engineers. The point is we don't even know what we are dealing with yet.

Mr. Tomlinson – It would be MNE.

Mr. Seiter – You don't even know what needs to be on the roof or how many fans you need and what is on the ground. You really have not even gone down that road yet so I haven't even see the first draft of what is going be on the roof or outside the building.

Mr. Colucci – Again, I was hearing down on this end of a site plan perspective they are comfortable and there wasn't any other comments relative to site plan so we wanted to try to close that with a condition that we come back so I can essentially satisfy our purchase agreement. We have had four amendments now and the latest one expires on September 15. We wanted to satisfy site plan approval and then we will go into the net phase of design and come back to you for architectural review. We can actually get into some deeper discussions relative to and bring the engineers for some dialog relative to some of the building systems that we are getting into right now.

Ms. Kinsella – I wanted to add that as part of the condition of the approval he could not move forward with signatures on that site plan until he came back here to the Planning Board with everything we have talked about tonight.

Mr. Logan – A conditional approval then pending architecture review and to me architecture also means review of the mechanical systems and the appearance of them. I guess you would need to be prepared to show us what that looks like whether on the roof or on the site. You mentioned a cooling system perhaps on the ground because it is too tall to be on the roof. Things like that. I'll go with my original statement is that I am ok with moving this forward with those conditions. He cannot build a building until we approve the architecture. I think the site as it is I think we all agree it is in the best place for the site. He has berms and plantings. I would be in favor allowing this to move forward with those caveats. That is what Paul is saying.

Mr. Gallina – I can support that as well.

Chairman Santoro – I am going to add to this resolution including it.

Ms. Zollo – Do you have a landscaping plan?

Mr. Tomlinson – You can add review of mechanicals and screening of mechanicals to that clause.

Mr. Logan – Heather, lighting and landscaping is on C 4.0 drawing. Ernie are you adding to note 5 for a condition regarding mechanicals too?

Chairman Santoro – I am adding that.

Mr. Logan – Part of that architecture should also be a monument sign. We need to review that and approve it before it can be put up.

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

## RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

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

1. A Site Plan application (the “Application”) was received on 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. It is the intent of the Applicant to construct a 63,500 square foot building on 12.5 acres for a premier specialty restoration and service center with climate controlled storage for classic and high performance vehicles.
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 Site were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on July 23<sup>rd</sup>, August 13<sup>th</sup>, August 28<sup>th</sup> and September 10, 2019 at which time the public was permitted to speak on the Application.
5. 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”.
6. 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.

7. The Project included the Applicant appealing to the Zoning Board of Appeals for area variances including:
  - a) 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.”
  - b) 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.”
  - c) 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.”
  - d) 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.”
  - e) 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.
8. The Project includes the Applicant applying to the Victor Town Board for extension of the Victor Consolidated Sewer District.
9. 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. As Involved Agencies, the Victor Town Board and the Town of Victor Zoning Board of Appeals confirmed they had no objection to the Town of Victor Planning Board serving as Lead Agency.
10. On August 28, 2019, the Town of Victor Planning Board affirmed its status as Lead Agency, reviewed and considered Part 1 of the Long 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 environmental impacts and issued a Negative Declaration.
11. On September 3, 2019, the Zoning Board of Appeals granted four (4) of the five (5) area variances noted above in Finding number 7, and the area variance that was *not* granted was noted above in Finding 7d, a request to allow parking 76-feet from a residential

zoning district where 100-feet would otherwise be required. Therefore, the project will need to adhere to Section 211-32, Paragraph A(2)(d)[2] of the Victor Town Code by providing a 100-foot buffer between parking areas and a Residential zoning district.

12. The Conservation Board reviewed the project on August 6, 2019 and stated that the landscaping plan includes native plant materials and to consult with the Town's Landscape Architect, Bruce Zaretsky.
13. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On July 30, 2019, the Ontario County Planning Board referred the application back to the referring agency as a Class 1 with comments.

NOW, THEREFORE BE IT RESOLVED that the Application of DiMarco Group, ATTN: Paul Colucci, on behalf of ANAC Holdings, 1950 Brighton Henrietta Townline Road, Rochester, New York, Site Plan entitled Horsepower Motorworks, drawn by Marathon Engineering, dated June 25, 2019, last revised August 19, 2019 (Drawing Nos. CO.1, V1.0, C1.0, C2.0, C3.0, C4.0, C5.0, C5.1), received by the Planning Board June 27, 2019, Planning Board Application No. 32-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 September 7, 2019 from LaBella Associates be addressed.
3. That comments from the Fire Marshal dated July 9, 2019 be addressed.
4. That comments from Code Enforcement Officer dated September 3, 2019 be addressed.
5. That architectural renderings and mechanical plans be submitted, reviewed and approved by the Planning Board.
6. That the comments from MRB Group on behalf of the Village of Victor Department of Public Works, dated August 27, 2019, be addressed.
7. That any parking or drive-aisle areas currently depicted on the site plan as "Future Parking" that do not meet the 100-foot buffer requirement to the Residential zoning district be removed, or be highlighted and noted as "not approved, and a variance must be obtained prior to construction of or use of areas within the 100-foot buffer to Residential

zoning district”.

8. That the site plan be modified to remove the notation of open cutting Brace Road for the purpose of installing sanitary sewer, and that a notation be added indicating sanitary sewer crossing will be installed via directional drill under Brace Road, per the Town Highway Superintendent’s request.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the Town for all improvements to be offered to the Town for dedication. Maintenance bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten (10%) of the final construction cost, as determined by the Engineer for the Town.
3. Should an underground water conditions be encountered during construction, the Developer is to address the encroachment and impact to the underground water 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	Nay
Al Gallina	Aye
Rich Seiter	Nay

Approved 3 Ayes, 2 Opposed

**RECOMMENDATION ON PDD**

**8. HIGHLINE PARK      TABLED TILL SEPT. 24**

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.

There were no other discussions.

Motion was made by Joe Logan seconded by Al Gallina **RESOLVED** the meeting was adjourned at 8:00 PM

Lisa Boughton, Secretary

DRAFT

