

A regular meeting of the Town of Victor Planning Board was held on Tuesday, September 24, 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; Mark Tayrien, LaBella, Lee Wagner, David Nankin, Daniel Hackett, Brian Reh, David Cox, Dave and Gloria Schond

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 Al Gallina, seconded by Joe Logan.

RESOLVED that the minutes of August 28, 2019 be approved.

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

Approved 5 Ayes, 0 Nays

On motion of Rich Seiter, seconded by Heather Zollo.

RESOLVED that the minutes of September 10, 2019 be approved.

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

Approved 5 Ayes, 0 Nays

**CORRESPONDENCE**

- Gloria and Dave Schond re: Piper Meadows

**BOARDS & COMMITTEE UPDATES**

Planning Board reported by Lisa Boughton

- October 8th meeting
  - Public Hearing
    - Paradise Energy Solutions, located on 7330 State Route 251, requesting approval to install a 100.1 kW DC solar system on the main roof of Fingerlakes Coffee Roasters. It will be used to offset energy usage on site.
    - Victor Views Assisted Living, located 1440 State Route 444, requesting approval to create a 12 bed assisted living residence to an existing single story 4,224 structure.

Chairman Santoro – The Victor Views Assisted Living has been removed from the agenda until the next meeting October 8 and another is Highline Park and that has been removed from the agenda with no return date as of yet.

**PUBLIC HEARING**

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

**REH GARAGE**

6831 Colyer Crossing

Owner – Gayle Reh

Applicant is requesting approval to construct a two story storage building that is 30' x60' (1800 sf) with a 13' x 6' porch.

45-SP-19

Zoned – Residential 2

Jack Sigrist the Architect for the project with Brian Reh

Mr. Sigrist – We are proposing to put a 1,800 sf building which is the dark building you can see in the lower left of the project. It is larger than what is allowed by Code so we are here to ask permission to build it for size and building height.

Chairman Santoro – I would comment that you already have Zoning Board of Appeal area variance approved and that is to put the structure forward of the house which is not generally approved but they have given you that variance. Anyone from the public wish to speak or ask questions? The Board?

Mr. Gallina – Do you have any colored renderings or samples that you could share with the Board relative to the color?

Mr. Reh – We have not picked the final color and it will be similar to the house which is a natural cedar. It is all wooded area and will fit it in with the landscape.

Mr. Gallina – Any exterior lighting proposed for the structure?

Mr. Sigrist – We will have four garage doors and will have those lit and then something over the access from the house to the porch.

Mr. Gallina – No intent to have pole lighting?

Mr. Sigrist – It will all be on the building.

Mr. Logan – It is heavily wooded and well hidden from the road even.

Mr. Seiter had no comment.

Ms. Zollo – It is just for storage?

Mr. Reh - Recreation vehicles, tractor, four wheelers, old cars and things like that. A bunch of that equipment is stored offsite right now. We would like it closer so we can utilize it.

Ms. Zollo – Thanks.

Mr. Reh – The parcel that this is on I own two adjoining parcels to the south so in total we have about 130 acres. It was the old Aldridge field and I mowed it all this week using the equipment offsite so it gets it closer to care for all the acreage.

Chairman Santoro – We have a resolution here and I forgot last time to go thru and have everyone give their reasons for their vote and we will pick it up tonight with this one which is fairly simple.

RESOLUTION

Motion made by Al Gallina, seconded by Joe Logan.

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

1. A site plan application was received on August 20, 2019 by the Secretary of the Planning Board for a Site Plan entitled Reh Garage.
2. It is the intent of the applicant to construct a two story storage building that is 30' x 60' (1800) sf with a 13' x 6' porch.
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 24, 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 September 10, 2019.
7. The Zoning Board of Appeals granted an area variance on August 19, 2019 for a construction of a garage forward of the front line of the primary structure, whereas §211-31G(2) states no accessory structure shall be forward of the primary building.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on September 24, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Reh Garage 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 Brian Reh, Site Plan entitled Reh Garage, received by the Planning Board August 20, 2019, Planning Board Application No. 45-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. 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

Mr. Reh – I have a question on condition #2. We did receive a letter and it was more stating. Nothing more on my end. Thanks.

Chairman Santoro – Motion to close the public hearing by Al Gallina and seconded by Joe Logan.

Mr. Gallina- Approved, I think it is a good fit for the property and a good looking building.

Mr. Logan – Second Al's comments and say aye.

Mr. Seiter - *Inaudible*

Ms. Zollo – Aye, it is for private use and does not appear that they are going to be running a business out of it and it is well hidden from the other properties.

Chairman Santoro – I agree with those comments and was up in there a few years ago when the Colyer thing was approved. You are not going to see it.

**VILLAGE EAST APARTMENTS**

44-SP-19

7410 Forest Trail

Zoned – PDD

Owner – The Village East

Applicant is requesting to amend the current PDD to add 13 parking spaces plus 5 land banked.

David Cox of Passero Associates

Mr. Cox – We are actually not proposing anything right now. We are just merely trying to get approved exactly what is out there today. They put in some of the land banked parking and they put it in a slightly different configuration. They did some parallel parking verse perpendicular parking. We are trying to get a site plan modification for what is exactly out there now. Like I said, we are not proposing to do anything but just modify the site plan for what is actually out there.

Chairman Santoro – How long has it been there?

Mr. Cox – Like a year or two.

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

Ms. Zollo – You finished what was originally proposed as far as parking? Is that what you are saying?

Mr. Cox – They added in some. The original plan had 15 land bank spaces so they put some of those land banked spaces in.

Ms. Zollo – But not exactly as they were drawn on the original proposal. Can you show me which ones were added and what the original configuration was supposed to be.

Mr. Cox – The original configuration had perpendicular parking right here. *Mr. Cox referred to the image on screen to area closest to Turk Hill.* There is a pretty good slope down into that stormwater facility right here so they decided to do parallel parking.

Ms. Zollo – It was seven spaces just changed the direction?

Mr. Cox – Yes

Ms. Zollo – Then you still have the five land banked spaces across the front too? Were any other parking spaces added or just those seven?

Mr. Cox – Just those ones.

Ms. Zollo – Thanks.

Mr. Logan – I do not have a problem with that. If you wanted to put more land banking in we were just looking at the aerial on the front after the curb there. It would be awfully difficult without a wall and some other regrading of some sort. I don't know if that is a retention area or just a place for the water to go from the rest of the site and then drain out in a common swale. It would be a problem if you decided to do that. I am fine with what you have already done.

Mr. Gallina – There were several comments from the Fire Marshal, I don't know if you have a chance to review those and or comment.

Mr. Cox – Yes I did review those and respond.

Mr. Pettee – I did take an opportunity to look at this site plan and was a little confused when I first opened up the package that was referred to us since it appeared to me that maybe they were proposing to construct new parking but then I realized they are basically they are looking for just an approval of what is already been constructed out there. The only thing that I found really of note is the land banked spaces, the five spaces, appear to be on a significant slope towards the drainage area of this project.

Mr. Cox – It would require a retaining wall to put those in.

Mr. Pettee – I believe this is the area about where those land banked spaces are and you can see there is a little bit of a slope there. Otherwise I did not have much to note on the plan.

Mr. Logan – Fire Marshal did ask that you file a new plan showing the updated location of the parking spaces. I had the same confusion as Wes did. You showed darker lines for parking buried behind the building off to either side and up front it just shows the land banked spaces. Are you going to update the drawing for the Town Code Enforcement?

Mr. Cox – Yes, any comments we will address and update.

Chairman Santoro – The Fire Marshals comments as well?

Mr. Cox – We did address the Fire Marshals comments and submitted them but I don't think he has had a chance to review them.

Ms. Boughton – The revised plans that you just dropped off yesterday he has to coincide with the other Fire Chiefs and will have more comments. I sent you the email late.

Chairman Santoro – Anything else from the Board? If you get these things resolved we will have you on the next meeting and have resolution for you.

### **VICTOR VIEWS ASSISTED LIVING**

39-SP-19, 08-SU-19

**REMOVED FROM AGENDA TILL OCT. 8**

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.

### **PIPER MEADOWS FINAL SUBDIVISION**

02-FS-19

860 &amp; 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.

Chairman Santoro – The public hearing is closed on this one.

Rich Tiede from Marathon Engineering

Mr. Tiede – We have responded to all the comments with the exception of Wes that we received this afternoon. I have gone thru those and do not have any issues with anything in there.

Working thru a couple of minor technical things as we are finishing up and trying to get to mylars and signatures. Not much has changed since then. If there are any questions from the Board or any further input.

Mr. Gallina – No further questions.

Mr. Logan – Brian Emelson requested that we still consider a crossing up at Lane Road and I would like to talk about it a little bit. If you are going to get students going in both directions would it make sense to have a crossing up there for future use in that part of town?

Mr. Pettee – I think one of the things that I gained from Brian Emelson most recent comments was that although the Planning Board decided during the preliminary subdivision to forego the sidewalk on the west side of High Street in lieu of the mid-block crossing for your project he felt it was still important to have a sidewalk on the west side of High Street that went to the intersection of High Street and Lane Road and also provide a crossing at the intersection of High Street with Lane Road. I wouldn't necessarily feel that his comments were directed just for the benefit of the students but for the community at large and having a walkable community and providing a potential pedestrian infrastructure for even those who might live on that lower side of Lane Road to have the opportunity to cross at High Street and Lane Road.

Mr. Logan – It does tie into the trail system that they built further along Lane Road and would help to add to that connection.

Mr. Pettee – Even thou the preliminary plans have been approved without that sidewalk, he is suggesting a change to the final plans and incorporate this sidewalk as well as a marked crosswalk at the intersection. I think we would be looking for some feedback from you guys.

Mr. Tiede – I just talked with Scott and we do not have any issue in doing that if that is the direction the Town would like us to go with.

Mr. Logan – I know there were comments from the public especially the gentleman who lives at the corner regarding a sidewalk on his property in the right of way. I would expect the sidewalk would go from Piper Meadow Drive up to the intersection and I think you have stated in the past that you can't connect the two entrances along High Street with a sidewalk cause of the grading the drainage that goes thru your part of the development.

Mr. Tiede – Correct. If we extend one up to Lane Road it will be within the right of way. I do believe there were a few trees or bushes on the gentleman's property on the corner that are within the right of way that may be in the way of that sidewalk.

Mr. Logan – If it is within the Towns right-of-way the Town certainly has ability to look at keeping that clear for the road itself to have a clear zone for vehicles not to hit the tree as well. You could justify it that way. Always a shame to half to lose a tree but if it is too close to the road and don't have any protection for it except for the fact it is now a four way stop. I would be

in favor of a sidewalk that went from Piper Meadow up to the Lane Road intersection and then a crosswalk there.

Mr. Tiede – I do not see an issue working that into the final plans for signature.

Chairman Santoro – This is not a public hearing. *Inaudible from public audience.* You can't speak from back there. You have to come to the microphone.

Mr. Logan – I think he is asking to come up and address the Board, is it okay for him to come up and address the Board?

Chairman Santoro – If he is going to address the Board he must do it on the record.

Dave Schond at 846 High Street

Mr. Schond – You know my feeling about the whole plan, it is not a big secret. We had this discussion and it was in public comment and was decided. Brian Emelson had every ability to be here to make his point made. It was decided it was expensive and it wasn't going to bring anything to the way the Towns running. We already have the east side sidewalk that is beautiful and gets plenty of use. There are very few homes down Lane Road where there are kids that are going to school. They are more than welcome to walk on our property and they always have been. I think this is pulling the rug out because we are already getting crap on one side of us and now you are going to cut off the front of our house on High Street. Guess what it is going to attach too? It is going to attach to a south side sidewalk and take off all our frontage. So you have one whole property line and all our frontage. I think that is a load of crap to bring this up in the eleventh hour by just some Parks and Rec member. Rather than putting it in front of the public. It was discussed in earnest last time and it was decided that it wasn't going to go. You were here and discussed the crosswalk at the mid points in the road entrances to High Street as part of their project. I thought that is where it was. I had no intention of discussing anything tonight but this is really something.

Mr. Pettee – For the Planning Board record I just wanted to mention that the Parks and Rec Director did submit an email to the Planning and Zoning office on August 20. This was more than a month ago. On his comments related to the Piper Meadows Final Subdivision plan and he made four points. He mentions “We appreciate the applicant's willingness to provide sidewalks on one side of the street along Piper Meadows Drive and Cassidy Court. We also appreciate the connection of the two neighborhood streets via the gravel path and natural surface trail. We would have liked to see a sidewalk on the north side of High Street to the Lane Road / High Street intersection given that it is a controlled intersection and it would be a logical connection to

current and future sidewalks on the south and east side of High Street. Given that the Planning Board is advocating for the two mid-block crossings, the applicant should provide for MUTCD advanced warning and pedestrian in the crosswalk signage, pavement markings as well as a fully operational solar powered, pedestrian crossing system including a rapid flash warning beacon at both mid-block crossings. These systems should include a push button and audible tone with wireless communication and flashing lights. This was detailed in our previous comments dated March 18, 2019.”

I just wanted to convey to the Planning Board that at the time the Final Subdivision application was submitted it was referred to Parks and Recreation Director and these were his comments back on the application.

Chairman Santoro – What is the status of the sidewalk then?

Mr. Pettee – I think that is the discussion for the Planning Board to decide in terms of initially as far as preliminary the consensus was there wasn't a need to have the sidewalk along High Street because the applicant was providing the midblock crossings that specifically connect to these two proposed streets. However, even thou the preliminary plans were approved in that fashion the Parks and Rec Director is coming back to you again and suggesting you take a second look at this in terms of providing a sidewalk and connectivity for the future along this road and Lane Road as well.

Chairman Santoro – Meaning?

Mr. Pettee – It appears that the Parks and Rec Director would like you to require a sidewalk be placed here as well as a cross walk at the Lane Road/ High Street intersection. LaBella is also part of the preliminary plan review and in our comment letter we also supported and understood the need for pedestrian connectivity and support of that sidewalk.

Ms. Zollo – Is there a proposal to put sidewalks on the other end of Lane Road? The section running from 96 to High Street.

Mr. Pettee – Currently not that I know of. None that I am aware of.

Mr. Logan – 96 to High Street?

Ms. Zollo – Lane Road runs from 96 to High Street and then from High Street on.

Mr. Logan – I don't know if there is future development further up High Street and eventually the Town's goal is to have when the Thruway replaced the bridge to put a wider span so you could have sidewalks go all the way up High Street to Eastview.

Ms. Zollo – So in the year 2055 maybe? I thought we were going to do sidewalks on High Street when High Street was redone.

Mr. Logan – There is no way to get under the thruways safely so the Town reserved that action for when we have connectivity underneath the thruway. It is a lot of money to put sidewalks in when they do not go anywhere.

Ms. Zollo – Right, and that is what I am saying about this little section. It doesn't go anywhere.

Mr. Logan – We can address it at that time is what you are suggesting? I don't have a problem with that I am just saying I wanted to bring forward.

Mr. Gallina – We did do a lot of vetting on this and I see no need to put a sidewalk on the west side of High Street.

Ms. Zollo – I would agree. I think the crossings connect to the sidewalk on the other side and then you can go up Lane as far as you can go and that is sufficient.

Mr. Logan – My point of bringing this up is that the comments that we have in front of us, and I do recall I was an advocate for those mid-block crossings with the flashing lights, they are more than adequate for this development to get people safely to the other side of High Street. Sidewalks would be nice but like you said it may be a long time before they replace that bridge with a \$15-20 million project.

Chairman Santoro – Seems like the consensus is no sidewalks.

Mr. Logan – No additional sidewalks on the west side of High Street.

Chairman Santoro – On the plans submitted does that show sidewalks? *No*

Mr. Gallina – Do the final plans indicate some type of signalized crossing at those two crosswalks?

Mr. Pettee – Yes they do.

Ms. Zollo – That has to be part of it.

Mr. Tiede – We indicated that with notation and the contractors to work with the Town on the specific model and type to go in there.

Mr. Logan – I think we satisfied the need for safe crossings for both drives and that would be our best way to address Brian’s comments with a prospect of future sidewalks if and when the Town can move further north on High Street with sidewalks.

Chairman Santoro - The resolution is there are no sidewalks on the plans as submitted.

Mr. Pettee – Along High Street.

Chairman Santoro – Interior there are. What is the issue then?

Mr. Logan – None.

Mr. Pettee - It is not an issue. I think Joe brought up the point that there was a Town employee who wanted the Planning Board to reconsider what was decided at the preliminary versus what is being presented now. We have reconsidered and sounds like you have come to consensus here so it does not appear there is any further issue.

Mr. Logan – It is on the record.

Chairman Santoro – Any other questions or comments? Mr. Schond so you understand that the resolution we are reading has to do with the plans as submitted with no alterations.

## RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

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

1. An Application (the “Application”) was received on or about August 7, 2019 by the Secretary of the Planning Board for a Final Subdivision entitled Piper Meadows Subdivision, Final Section 1 & 2 Plans (the “Project”), submitted by of S & J Morrell (the “Applicant”) for the property located at 860 and 870 High Street in the Town of Victor (the “Site”).

2. It is the intent of the Applicant to subdivide the Project Site, approximately 41.09 acres, into 41 lots under New York State Town Law Section 278, Clustering Provisions, as well as pursuant to Section 184, Article V, Clustered Projects, of the Victor Town Code.
3. The Planning Board, as Lead Agency, found that there would be no significant impacts to the environment as a result of the Project and a Negative Declaration was issued on June 25, 2019.
4. The Conservation Board reviewed the Project on August 20, 2019 and identified that the conservation easement be site specific to allow trail maintenance, but aside from that, there shall be no motorized vehicles, including recreational vehicles, dirt bikes, four-wheelers, etc.
5. In a letter dated September 24, 2019 LaBella Associates stated that technical aspects remain to be addressed.
6. Pursuant to Section 27-8J of the Victor Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.
7. Pursuant to New York State Town Law, Section 278, and Clustering provisions within Section 184, Article V, of the Victor Town Code, the Planning Board allows a front setback of 10-feet to the existing garage on Lot 121. All other buildings, existing or future, are required to meet the proposed 30-foot front setback.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Victor Planning Board waives the provisions of the Design & Construction Standards that would otherwise require for disposing of roof and basement drainage into a storm sewer system, or dry wells for roof drainage (Sections 2.7.9.2 and 2.7.9.3) and hereby allows roof leaders to daylight to rear yard swales on Lots 101 – 108, 118 – 121 and 211-220; and,

BE IT FURTHER RESOLVED, the Planning Board hereby waives the Design & Construction Standard Detail, RS-6 (Driveway Layout Detail) for Lots 110, 111, 112, 113 and 114, to the extent that would otherwise require that driveways on the aforementioned lots be a minimum of 10-feet from the side lot line; and,

BE IT FURTHER RESOLVED that the Final Subdivision Application of S & J Morrell, 1501 Pittsford-Victor Road, Suite 100, Victor, New York, Major Subdivision entitled Piper Meadows Subdivision, Final Section 1 & 2 Plans, drawn by Marathon Engineering, Sheets C0.1 through C9.3 and V1.0 through V1.2, dated August 6, 2019, received by the Planning Board August 7, 2019, Planning Board Application No. 2-FS-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the final 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 of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
4. That the comments in a letter dated September 24, 2019 from LaBella Associates be addressed.
5. That the comments from Code Enforcement Officer dated September 9, 2019 be addressed.
6. That conservation easement marker placement be depicted on final plans for all conservation easements.
7. That comments in a letter dated August 27, 2019 from the Village of Victor Engineer, MRB Group, on behalf of the Village of Victor, be addressed.
8. That the applicant shall apply to the New York State Division of Building Standards and Codes for a variance to the New York State Fire Code, Appendix D (D103.1) which requires roads to be 26-feet wide within 40-feet of the hydrants.
9. That comments dated August 9, 2019 from Robert Graham, Fire Marshal, be addressed.

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

1. That the major subdivision 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 percent (10%) of the final construction cost, as determined by the Engineer for the Town.

3. 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).
4. That a pre-construction meeting shall be held prior to the start of construction.
5. 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.
6. That prior to construction commencement, the applicant shall offer for the Town's acceptance, a permanent conservation easement over a portion of the Piper property while simultaneously terminating the existing term conservation easement presently affecting the property. The applicant agrees and accepts responsibility for any termination fees due and owed in accordance with Chapter 16 of the Victor Town Code.
7. That prior to construction commencing, the variance noted in Condition number 8, above, must be obtained from the New York State Division of Building Standards to the Codes to the New York State Fire Code, Appendix D (D103.1), which would otherwise require roads to be 26-feet wide within 40-feet of the hydrants be obtained. If a variance is not obtained, the Applicant shall submit revised final subdivision plans for signature, which comply with New York State Fire Code, Appendix D (D103.1).

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

Chairman Santoro – We started on that end last time so we will start at the other.

Ms. Zollo – I am voting No because I believe the R-1 zoning is very clear about supporting single family detached units not duplexes. I also do not support the waving of the Design and Construction Standards for reducing the setback on the driveways.

Mr. Seiter – Also No. I agree with Heather. I don't believe there is any reasonable application of the Code that would consider these single family homes on their own parcel. It's clearly attached housing.

Mr. Logan – I am voting Yes. For an opposite reason than Heather cited regarding the width of the driveway. The Town gave the variance to the developer and I think the Fire Marshal was in agreement with it for the short section of road. I think the property laid out the way that it is with the townhouses on one portion of it minimizes the impact of the entire parcel for the same number of homes that would have otherwise taken a lot more land. I think this is a reasonable use of the property and the density of Town.

Mr. Gallina –I vote Yes, essentially for the same reasons that Joe just articulated.

Chairman Santoro – I vote Yes as well. We had a Code opinion on the connected house. I do not think that is an issue.

Mr., Logan – So it passes 3 - 2.

Chairman Santoro – Yes, 3 - 2

**RECOMMENDATION ON PDD**

**HIGHLINE PARK**

**REMOVED FROM AGENDA**

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.

**INFORMAL DISCUSSION****WILLOW RISE**

Banjo Run

Zoned – Multiple Dwelling

Owner – Bella Estates LLC

Informal discussion regarding re-design from apartments to for sale townhomes.

Walt Baker with DSB Engineers

Mr. Baker – It has been awhile since I have been in front of the Board. This project was approved almost 2 years ago. November of 2017 I believe. I am sure everyone recalls that we have 45 units that were approved for apartments. It is a multi-family zoning and the access is off of Ballerina Court which is a private drive. The loop road itself for the apartments is a private drive as well. We worked with Monroe County Water Authority and we got all our approvals and our signatures and it has been sitting for a number of years because Morgan Management, the previous owner, was trying to work out details with cost and based on what the approval required and also water authority and the private system we have in rpz. Along came Frank Affronti. He purchased the project after it was approved and now he has an idea that instead of building apartments would the Board consider having townhomes? Basically all the townhomes would have their individual property lines and a box around each unit. The common lands would still remain private and wouldn't be dedicated roads and wouldn't be a burden on the town for plowing or anything like that. Common lands itself would then have its own tax account number and all the people who buy the townhouses would be assessed for maintenance of the common lands. Everyone would own their own home and share in the cost of maintenance for all the common lands. You would still have 45 units and I brought some pictures of the proposed units that they want to build.

Chairman Santoro – Are they going to be similar or the same as what was submitted before except they are going to be home owned?

Mr. Baker – What I have handed out basically is three different designs they use for townhomes and it is a similar floor plan. The smallest unit would be 28 feet wide and like 42 feet deep and the end units are a little bit bigger. The property lines would go down the common line between the townhomes. There would be a firewall. Everyone would own their own lots. The end lots we actually made 29 feet wide to give a little more room versus the 28 in case there was a survey glitch. Also with the depth it would be 42 feet and four inches deep each unit but I made the

boxes 45 to give us a little room for adjustments and such. They would be filed and own tax account number. They would be up for sale instead of rental units which I am sure the property owners in Ballerina would appreciate. As you recall there was quite a few of them that were a little concerned about the zoning change between their project and this. It has been zoned that way for I don't know how long. These are the units and what they would like to do. It would not be just one for all the buildings. They would vary them between this layout, the second layout and the third layout. You would have a mix of different architecture as well as siding colors and they wouldn't have two buildings built the same next to each other. It would be more of what you would see in a residential neighborhood where people kind of have different styles and different shades of colors on the houses. It wouldn't be all cookie cutter or the same in an apartment project. We would keep the parking and basically the layout would stay the same and obviously we would split it up. We would have 2 unit, 3 unit, 4 unit and one 5 unit building versus what we had before wasn't to get the density at the units were allowed and ended up with one 7 unit building which remember Jim Fahy wasn't too thrilled about doing a building that long himself. Obviously building apartments was a little different plan than this is. We have 2 units, 3 units and would break it up and have a little more green space.

Chairman Santoro – Any questions from the Board?

Mr. Gallina – No questions but in general I think this is a preferred use than the apartments. The overall fit will be better with the neighborhood.

Mr. Logan – Couple questions Walt. Is the architecture or should I say the size of the building taller than what you had for apartments? It looks like there is a couple that could be taller.

Mr. Baker – These are two stories correct versus ranches. The apartments were all ranches. These are more like two story units. It lists on the last page the actual height which I think is 28 feet.

Chairman Santoro – 25 feet 7 3/4 inches.

Mr. Logan – I was wondering because one of them looks like they have dormers on it like in an attic space, almost like a three story building. I didn't know how tall they were and you just answered my question Ernie. That can be a little imposing for people living right down the hill.

Chairman Santoro – Are dormers meant for that? Or are they meant for additional light?

Mr. Logan – I am looking at the Rose Cliff. The second from the right unit. It has dormers with windows.

Mr. Baker – They are nonfunctional.

Mr. Logan – That is what Ernie was asking if it is for light.

Mr. Baker – I think it is an architectural feature. Attic space.

Mr. Logan – It will be a little imposing when someone looks at it who is looking down the hill.

Mr. Baker – The layout hasn't changed. We left the layout exactly the same. Besides maintaining the buffer along the property line of the trees we basically only have the 4 unit, Building #1, that points north and the other ones are more interior. The ones further to the east at the end of the point of that hedgerow with the old stone farmers field fence is pretty dense thru there.

Mr. Logan - I noticed that some of the units are probably smaller than others with single car instead of two car garages.

Mr. Baker – Possibly yes. Just a single unit you can see on the floor plan.

Mr. Logan – I am looking at your site plan that shows ...

Mr. Baker – Yeah, I wasn't quite sure because they just gave me these things so when they said could you put together an informal plan. They really did not give me a whole lot of detail. I just got these today. I am like, guys give me a little more information and what do you want me to show. We have to show a footprint around each unit. You have to give me exactly how big the building is going to be so I know what my 20 foot separation would be building the building. I wanted the actual ownership of the lot and the end units, even thou they tell me there 20 feet wide, I wanted to make them a little wider so we had some wiggle room for errors. Driveways I have to fine tune. Obviously this is informal and this is what Frank is considering doing. If we get a favorable response then I will be back to the drawing board with actual dimensions and driveways. Each lot will get its own service versus what we had before which was one line in servicing an apartment building versus individual property owners that have their own unit.

Mr. Logan – Did we have street lights before with the apartments? *Yes.* Most of the time with townhouses they have individual lights for each of the houses without a community street lighting plan. I guess if those are going to be street lights that are being maintained by an HOA. *Correct.*

Mr. Baker – Everything will be under the HOA.

Mr. Logan – With the size of those driveways you are going to need all the parking you can get along the road. I wouldn't anticipate it would be a good idea to bank parking. Put what you can in there.

Mr. Baker – Oh no, we would put the entire parking in. We put it in per plan. We didn't change anything other than the unit size themselves and made sure the spacing was good. The setbacks we kept the same so the driveways and the side that has the sidewalk that loops around the entire project. I made sure we had 21 feet from the backage of that sidewalk to the front of the building.

Mr. Logan – Two more cars and two car driveway. You are definitely going to need more parking.

Mr. Baker – That is what we had before and I want to keep the consideration the same on the setbacks.

Mr. Seiter had no comments

Ms. Zollo – They are two story. Do you remember what the height of the single story apartment building was?

Mr. Baker - It was just a ranch so we had 8 foot ceilings plus the roof design itself so probably closer to 20 feet.

Ms. Zollo – So these are 25 feet. Ok. You said 2, 3 and 4 unit buildings? *Correct.* Nothing bigger than that?

Mr. Baker – We have one 5 unit.

Mr. Logan – There is a 7 unit building on the plan I am looking at.

Mr. Baker – That is a 5 unit.

Ms. Zollo – When we had originally approved this we had reduced some of those big ones.

Mr. Baker – We had one building that was 7 units. These are separated. There is 20 foot separation between them. The original apartment project the interior one was actually a 7 unit long apartment building. The only one we got now that is a 5 is this one. The rest are 2, 3 and a 4 in here. It is a mix. We ended up with basically instead of 9 building we have 15 but it is in the same footprint area. The footprint area I did not go outside it basically other than creating the spaces. These units are 28 feet wide versus the ranches were 34 feet wide. That is how we were able to achieve this and get the 20 foot spacing that the Fire Marshal is going to want between structures. These footprints are 28 wide versus 34. They are two story.

Ms. Zollo – That is all I have for right now.

Chairman Santoro – This is a marketing decision I am sure. Are you concerned about selling the middle units?

Mr. Baker – Always a consideration, isn't it. I have been doing this for a long time and I have had developers over the years and everybody want the end units.

Mr. Logan – If you make them cheap enough.

Chairman Santoro – Do you have any idea what the price point would be?

Mr. Baker – I think around the low 2's. That would be reasonable considering everything today is expensive. The Codes and Federal Codes and the state adopted the Federal Codes and the energy and air exchange. Pretty extensive with what they have to do.

Chairman Santoro – Anything else this evening? We will wait for your decision.

Mr. Baker – Well again, Frank was trying to be here but his third daughter is getting married so he is getting his tux fitted. I guess I am going away thinking the Board is in favor of this?

Ms. Zollo – I think it is better.

Mr. Logan – You are hearing a favorable impression from everybody.

Mr. Baker – That is all I can ask for. Thank you.

Mr. Logan – Just out of curiosity, how wide is the driveway? I forget is it 22 or 24 feet?

Mr. Baker – Private drive? Is 20. We have the rpz and everything with the water was signed off and is a private system on site.

Mr. Logan – It is all privately maintained by all these people. Ok. Just checking. Thank you.

There were no other discussions.

Motion was made by Joe Logan seconded by Rich Seiter RESOLVED the meeting was adjourned at 8:00 PM

Lisa Boughton, Secretary

