

A regular meeting of the Town of Victor Planning Board was held on Tuesday, October 22, 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, Heather Zollo

ABSENT: Rich Seiter

OTHERS: Wes Pettee, Town Engineer; Lisa Boughton, Secretary; Lee Wager, David Nankin, Mike Guinan, Town Board Liaison, Joe Limbeck, Robert Klein, Keith Parris, Ed Kahovec, James Cretekos, Fred Rainaldi, Jr., Dante Gullace, Alyssa Poole, Matthew Indiano, Zach Poole, Scott Fiske, Fred Rainaldi, Ken Waters, Alan Knauf, Scott Harter, Sean Bostator.

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 Heather Zollo.

RESOLVED that the minutes of October 8, 2019 be approved.

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

Approved 3 Ayes, 0 Nays, 1 Absent, 1 Abstention

CORRESPONDENCE

There were none

BOARDS & COMMITTEE UPDATES

Councilman Guinan to report from the Town Board

Councilman Guinan – The only thing that we really went over that was discussed last week by Wes was that we had the public hearing to establish the authorization of the mixed use overlays and also amended Zoning Plan Development that Wes had explained to everyone last week and the public hearings were held and approved.

Planning Board reported by Kim Kinsella

- November 12th meeting
 - Public Hearing
 - Victor Crossing – Every Body Bras Signage, located at Commerce Drive, requesting approval for a building mounted sign on Building C.

PUBLIC HEARING

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

EXTENSION OF TIME

WOODS AT VALENTOWN – 90 DAY EXTENSION REQUEST

35-SP-18

High Point Drive

Zoned – Planned Development District

Owner – Woods at Valentown, LLC

Applicant received approval on April 23, 2019 to construct 288 for rent apartments within 12 buildings on 56.87 acres. The project will consist of underground parking and the buildings will be 3 stories for a maximum height of 48 feet.

James Cretekos of BME Associates with Fred Rainaldi

Mr. Cretekos – We are here to ask for our first 90 day extension for the Woods project. We are working thru some of the agency approvals that we have yet to finalize before we can present plans for signature.

Chairman Santoro asked for questions from the Board and there were no comments.

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS, in a letter dated October 9, 2019, James Cretekos from BME Associates requested a 90-day extension of time for application titled Woods at Valentown, therefore, be it

RESOLVED, that the Town of Victor Planning Board grants the first 90-day extension of time for Woods at Valentown.

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	Absent

Approved 3 Ayes, 1 Opposed, 1 Absent

Ms. Zollo – I am voting no because I voted no on the original. I did not agree that 284 for rent apartments was equivalent to 72 for sale townhomes.

GULLACE PROJECT – 90 DAY EXTENSION REQUEST

19-SP-17

Lynaugh Road

Zoned – Multiple Dwelling

Owner – Lynaugh Road Properties, LLC

Applicant received approval on April 23, 2019 to construct 62 for-sale condominium townhomes, which would include 14 duplex units west of County Road 9 and 48 units configured within 2, 3 and one 4 unit blocks on the east side of County Road 9. Applicant is requesting their first 90 day extension of this approval.

Alan Knauf from Knauf Shaw on behalf of Lynaugh Road Properties

Mr. Knauf – We are requesting a 90 day extension. One of the conditions was approval by the Village of the bio retention and other facilities necessary to support the project in the Town. They did submit a sketch plan to the Village in July and have feedback and are working on the final plans to go back for the formal approval. It is still in progress and we need that to go forward.

Chairman Santoro – We have a resolution here.

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina.

WHEREAS, in a letter dated September 26, 2019, Dante Gullace requested a 90-day extension of time for application titled Gullace Project, therefore, be it

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

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	Absent

Approved 3 Ayes, 1 Opposed, 1 Absent

Chairman Santoro – I assume Heather, for the reasons stated in the previous application.

Ms. Zollo – Correct.

VICTOR HEIGHTS PARKWAY - LOT R – 2nd 90 DAY EXTENSION REQUEST

09-SP-18

61 Victor Heights Parkway

Zoned – Light Industrial

Applicant received approval on August 14, 2018 to construct 25,592 sf flex bldg for up to 6 individual tenant spaces to include 5 loading docks. Applicant received first 90 day extension on August 13, 2019. Applicant is requesting their second 90 day extension of this approval.

Chairman Santoro – Is there anyone here? No ok.

RESOLUTION

Motion made by Joe Logan, seconded by Heather Zollo.

WHEREAS, in a letter dated October 10, 2019, Spencer Read from Mitchell Design-Build requested a second 90-day extension of time for application titled Victor Heights Parkway, therefore, be it

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

Mr. Logan – They have one extension opportunity left?

Chairman Santoro – No. They are only allowed two.

KMART BUILDING REDEVELOPMENT

47-SP-19

10-80 Cobblestone Court Drive

Zoned – Commercial

Owner – Cobblestone Victor NY LLC

Applicant is requesting approval to modify the former 119,225 sf K-mart retail store by removing 20,865 sf of store area and converting the remainder of space into two leasable areas. Area (A) approximately 43,200 sf and area (B) 55,160 sf.

Sean Bostator with Onyx Creative

Mr. Bostator – With this project we are taking the existing Kmart Building that is no longer vacant and will be going thru and splitting this building up into multiple tenants. At this current time I think it is two. Making a modification to the south end of the building to add a new tenant and a new loading dock so that it may be separate from the adjacent tenant, which is labeled tenant (A). I think there is in the works for another project to be created on site just south of tenant (A) that will be within a year or so. Are there any questions?

Ms. Zollo – You are demolishing 20,000 sf and then this addition you are putting on the south end is that going to be larger than the 20,000?

Mr. Bostator- It will be smaller than 20,000. I think at the time being the intent is to have a restaurant put on. More of a drive thru.

Ms. Zollo – Do you know who the tenant will be?

Mr. Bostator – We do not have a tenant yet.

Chairman Santoro – This being a public hearing I will ask anybody in the audience have any questions or comments. Or the Board.

Mr. Gallina – The one comment would be just the lack of any architectural features to some of the elevations view that we are seeing depicted here. Certainly would like to see some enhanced features given the adjacency to the Valentown and other parts of the whole development there.

Mr. Bostator – Currently the part of our lease is to just seal and paint the building. Any exterior work will be done by the tenant when they move in.

Mr. Logan – Have you been speaking with the tenant that they are aware that they will be responsible for updating the architecture of this?

Mr. Bostator – Yes they normally will have to go thru if they want to put up their own prototypical aspects to it. We do have a tenant currently being signed in the lease and I cannot disclose that at this point but we do have a tenant set to take the space and is aware of the needs that they need to do.

Mr. Logan – Is the Rug Mart leaving the area or are they moving somewhere else since that is the building you are ripping down?

Ms. Kinsella – They are moving to a space in Eastview Mall.

Mr. Logan – My only other question is if you intend to put a drive thru there it does not look like you have a lot of room to turn around and pass thru a drive thru so I will be interested to see how you solve that problem down the road.

Mr. Bostator – It is currently in the works on how to propose a new drive coming thru. I know that the drive lane to exit is more of a loop around. I do not know exactly how that is going to

work right now. That is another person on the team that is actually currently working on that. I know that is in the works and working thru a few reiterations to see what is most beneficial.

Mr. Gallina – Essentially what we are looking at is an application to demise part of the building and “clean it up” with out of the traffic flows, traffic impacts, and architectural features. To Joe’s point we are not approving final architecture design, we are not approving traffic impacts or any of those other aspects that we would normally discuss as part of an application. I just wanted to be clear so again that when they sign a tenant they don’t think they are just going to move in.

Mr. Logan – It does say proposed tenant (B) on the plan. New entry provided by future tenant. That obviously will have to be reviewed by this Planning Board and you are indicating that they are going to be responsible.

Mr. Bostator – Yes, when the tenant moves in they would have to go thru their own review process for their interior fit outs.

Mr. Logan – The side of the building I could imagine you cannot really justify putting a lot of money into because you are going to cover it up with a new building in the future. Is there a possibility that you would not ever put a building there?

Mr. Bostator – Not to my knowledge. It is at least in the works. They have a tenant in mind that they are in works with. They have not set anything in stone with that yet. I know they are at least in talks and contract negotiations with that tenant.

Mr. Logan – For now, the ground treatment on that pad that you are ripping out, is that going to have any grass, plantings, or more mulch.

Mr. Bostator – At this point, the intent is to have it mulched because of how quickly we would be moving in once that would be completed. Unfortunately, grassing and any sort of seeding at that point to rip it up a year later would be hard.

Mr. Logan – Understood, just trying to get a handle on it. I do not want to see it as open dirt.

Mr. Bostator – Any other coverings that might be more beneficial than mulch we would be things that we can amend at this point to put in at a future date.

Mr. Logan and Mr. Gallina had no more questions at this time.

Ms. Zollo – The Fire Marshal also mentioned that the area that is being removed houses the sprinkler system and wonders where that will be located.

Mr. Bostator – The new system is actually being relocated into the landlord room that will serve both tenants equally. That will be relocated back in there along with the water main as well.

Ms. Zollo – Typically the Fire Marshal is not keen on mulch so you may want to discuss with them what alternatives there may be for the temporary covering. You also said that you have a tenant for which parcel, the (A) or the (B)?

Mr. Bostator – Tenant (B) is currently working on the signed lease at this moment.

Mr. Zollo – The one on the south end?

Mr. Bostator – Correct.

Ms. Zollo – You said that you are going to have to add a different entrance?

Mr. Bostator – Yes, the tenant will be providing their own store front and that is where more of the architectural elements will be added in at that point. They will more than likely modify the existing opening that is there or they may move it a little. I am not entirely sure what the tenant has on their idea at this point. Yes, there will be two separate entrances. One for tenant (A) and one for tenant (B).

Ms. Zollo – Then for the future property I just know that is a really difficult drive and there is a lot of traffic coming in and out from every which way so having a drive thru there is probably going to be a huge challenge. That is all I have for now.

Mr. Pettee - LaBella did provide a letter just yesterday on the Kmart Building Redevelopment and we had a few minor technical comments. There are no show stoppers. The one thing we did ask about is the future building pad and we have talked about that tonight already a little bit and as they have indicated they are anticipating putting some mulch down in the area on the south side of the building. It appears in brown on the graphic that is on the screen. I was looking for potential clarification of timing for when a future building pad would be constructed. If by chance it might be a year or year a half out if there is a growing season you may want to consider seeding that in the spring time. Depending on when you submit your site plan in the future I can imagine you might grow some weeds in there at some point.

Mr. Bostator – If we go along and we do get to that point and the project does end up not coming to fruition within that year or so I think seeding would definitely be something that we could go in and do.

Mr. Pettee – The other comment I made here on the State Environmental Quality Review Act, they did submit a short EAF, did identify that the project parcel is within close proximity to either a substantial contiguous to or adjacent to a building, archeological site or district that is listed on the national or state register of historic places. Even though it is within that proximity this project does not meet any of the threshold, even the lower threshold, to be a Type I Action and does appear to be an unlisted action. The short EAF is appropriate and that is all we have for now.

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

RESOLUTION

Motion made by Al Gallina, seconded by Joe Logan.

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

1. A site plan application was received on September 17, 2019 by the Secretary of the Planning Board for a Site Plan entitled Kmart Building Redevelopment.
2. It is the intent of the applicant to modify the former 119,225 sf K-mart retail store by removing 20,865 sf of store area and converting the remainder of space into two leasable areas. Area (A) approximately 43,200 sf and area (B) 55,160 sf.
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 October 22, 2019 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.

6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On October 9, 2019 Ontario County Planning Board referred the application back to the referring agency as a Class 1.
7. LaBella Associates reviewed the site plan and in a letter dated October 21, 2019, provided comments.
8. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated October 10, 2019, and provided comments.
9. The Architect Consultant reviewed the site plan and in a letter dated October 21, 2019 and provided comments.
10. The Town of Victor Fire Marshal reviewed the site plan and in a letter dated September 20, 2019 and provided comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on October 22, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Kmart Building Redevelopment 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 Onyx Creative, Site Plan entitled Kmart Building Redevelopment, drawn by Onyx Creative, dated September 06, 2019, received by the Planning Board September 17, 2019, Planning Board Application No. 47-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 October 21, 2019 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer, dated October 10, 2019 be addressed.
4. That comments from the Architect Consultant dated October 21, 2019 be addressed
5. That comments from the Fire Marshal dated September 20, 2019 be addressed.

6. That any tenants or the owner return to the Planning Board for Architectural review.

Mr. Gallina – I think it might be broader than architectural review but full Planning Board Site plan approval.

Chairman Santoro - I said return to the Board. What do you want to add to it?

Mr. Gallina – Site plan approval. We are talking about drive thru and unknown impacts, entrances.

Mr. Logan – Are you talking about tenant (B) front face or the whole building all together?

Mrs. Zollo – Altogether I would think.

Mr. Gallina – I would say any future tenants.

Chairman Santoro – Any future tenant.

Mr. Logan – The approval right now is just to remove the building sections that they are talking about and doing some minor painting. When they come with a proposed tenant (B) then the new architecture for tenant (B) has to come before the Board.

Ms. Zollo – So will tenant (A) when it is there turn.

Mr. Logan – No, tenant (A) has the Kmart original entrance.

Ms. Zollo – I thought you just said that that entrance would be changed.

Mr. Bostator – There is a chance that the new tenant that moves in may. We are not aware of a tenant that it is moving in at this point. They may go in and change the current Kmart entrance.

Mr. Logan – That then would come before the Board for review. So anything that is proposed on the area that is cleared would certainly come for a Board review and approval.

Chairman Santoro – How about ..

6. Amended: That any future tenants or the owner return to the Planning Board for Architectural review and site plan approval.

All Board members agreed to the changes.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. The building design plan shall be consistent with the architectural/landscape details as shown on the elevations, entitled Kmart Building Redevelopment, and details as shown on the Site Plan, drawn by Onyx Creative dated September 06, 2019, received by the Planning Board dated September 17, 2019 amended as discussed at the October 22, 2019 Planning Board meeting.

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 Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

VICTOR CHRYSLER DODGE JEEP RAM OVERFLOW PARKING 48-SP-19
 6560 Anthony Drive Zoned – Commercial/Light Industrial
 Owner – Route 96 Properties LLC
 Applicant is requesting approval to utilize two lots for overflow parking of new and used car inventory. There will be approximately 30 parking spaces at the 6548 location and 70 at the 6535 location

Matt Indiano Owner of Victor Chrysler Dodge Jeep Ram

Mr. Indiano – We are looking for permission to park overflow vehicles at the two lots that we have specified.

Chairman Santoro – That is at 6560 Anthony Drive and is not where your location is.

Mr. Indiano – No it is not. It is in this are *Points to map on projector screen*.

Chairman Santoro – Will there be any paving done?

Mr. Indiano – There will be no paving done.

Chairman Santoro – I thought you had your pointer on the grass?

Mr. Indiano – Yes, we are parking on the grass at this point. This is just open stone. There is some pavement but we are not parking on the pavement. This is an open stoned and grass area.

Chairman Santoro – Anyone in the audience have any questions or comments? The Board?

Mr. Gallina – My first question is that when we had approved your current location we were given the impression that this was temporary accommodations while you were looking for longer term solution. What is your thought process?

Mr. Indiano – It is 100% our thought process. This is not the best use for this location nor the best location for us.

Mr. Gallina – My comment is that it does appear that the current location that you are at is already expanding beyond what we would probably approve for parking location. So is this to get you back to whatever original footprint and setbacks are approved for current location by adding the 100 parking spots for overflow?

Mr. Indiano – I guess I didn't... according to the Code and the Code Officers various reviews of our locations I did not realize that I was beyond it.

Mr. Gallina – It appears that visually you are but if you say are within.

Mr. Indiano – I have gone over things with Al and Sean and I have spoken to them prior to putting in the pavement millings and they both approved the location after I did it so I was under the assumption, which may be wrong at times, that we were within our guidelines.

Mr. Gallina – I am all set.

Mr. Logan - I think maybe Al and I had the same train of thought. I drive by there often and it looks like there is a lot of vehicles out front and maybe that is the impression we both got that you are beyond the limits of what you have. Certainly the overflow I do not have a problem with. Are you thinking a year down the road for moving out to a new place or are you still not...

Mr. Indiano – If I could control FEMA I could give you a better response. We are working diligently with FEMA and the Town to get the approval. I believe you guys know the other site we are looking at. We are waiting to hear back from FEMA so that we can then go forward. We are more than willing and excited to go forward with the new area.

Mr. Logan – The application lead me to believe that you are feeling very successful there so that is great.

Mr. Indiano – It has been well received. We have quite a few town residents that have purchased vehicles there and seem to be happy and are happy with another place that they can get there vehicle serviced as well.

Ms. Zollo – I guess we are all thinking the same thing because I drive by there quite often too and it always appears there are cars parked on the lawn. As opposed to on the pavement. Will this eliminate the need for parking on the grass?

Mr. Indiano – I do not know that it will eliminate the need for parking on the grass but once again from what I understand from setbacks and everything else we are within the setback. We are not in the wetland, we are not within the 80 foot setback and I don't believe there is an issue with us parking there unless I am wrong.

Chairman Santoro – Have you gotten these comments from Marty Avila? I mean Sean McAdoo.

Mr. Indiano – Yes. It has already been remedied. I got that from Sean yesterday and it was remedied immediately.

Ms. Zollo – I guess we are all thinking the same thing. When you were describing where your overflow areas are...could you go over that one more time because you said on the grass not on the pavement?

Mr. Indiano – Grass specifically not the pavement.

Ms. Zollo – Is that building vacant?

Mr. Indiano – I don't own the building so the only portion that the owner was willing to lease was that spot there.

Ms. Zollo – Does that meet our Code that we allow the parking vehicles on the grass?

Chairman Santoro – All Sean said was to move it back of the feather sign.

Mr. Indiano – That is a different location. What Sean was referring to was this area here *Indicated area on projector image* This is an older picture but we pulled the cars back onto the area that is our area. It is not within the wetland or the setback. Overflow area is a different parcel. It is divided by a little runoff or ditch.

Ms. Zollo – The other area you said was the gravel area.

Mr. Indiano – It is the gravel area over here. It is not visible from the road.

Mr. Pettee – I did not think I had any comments. Generally the one question that was asked by a Planning Board member was do we allow parking on a grassed area. I do not know right off the top of my head but I think the Code Enforcement Officer likely would have called that out if it were an issue and I have a suspicion that due to the intent for this to be temporary in nature I don't know if we would want to require them to pave over any existing green space. Also, my other comment would be and reflected in the Draft resolution that what you have in front of you is that this seems to be SEQR Type II Action. Meaning that it has already been predetermined by NYS to not have a significant adverse environmental impact and classification as Type II concludes the SEQR process so there is no environmental assessment form to go thru and no determination of significance would need to be made. As part of this draft resolution what I have cited in here is that under Section 617.5 paragraph (C) (21) of SEQRS implementing regulations which states minor temporary uses of land having negligible or no permanent impact on the environment. The proposed action involves parking of overflow vehicles on nearby properties and parking of said vehicles is intended to be temporary in nature. That would meet the Type II classification. I wanted to provide that overview.

Ms. Zollo – Thank you Wes.

Mr. Logan – I will ask follow up question on Wes’s point. Since this is temporary in nature is this a temporary approval? This is only a temporary use. Matt has already said they are looking to develop another piece for their dealership and this is a request to use this on a temporary basis. Do we need to approve this as like we have for the fireworks people or other things like that? Those happen to be seasonal and Matt is looking at this for the next year or the next two years.

Mr. Indiano – It is clearly temporary.

Mr. Logan – Should we just have the provision that we take a look at it to make sure it is being no issue with it down the road?

Chairman Santoro – Do you have a timetable for this? If you could control FEMA.

Mr. Indiano – Realistically two years, a year I honestly do not know. Put it this way. If FEMA were to come back next week with a positive note on the other property I would most likely be at the next Planning meeting after that. I wish I could put a time on that.

Mr. Logan – Could we put a two year limit say and then after that period we can revisit it? Hopefully you will be able to solve your problems with that.

Mr. Indiano – I would be fine with that. I hope it will be sooner than that.

Mr. Logan – I am looking to be consistent with the way we have approached this type of thing in other parts of the town.

Ms. Zollo – I think that is a good idea.

Mr. Logan – I am not trying to make it any more difficult for you but I do want to be consistent for any other applicants. Al, while you stepped out I had suggested that this is a temporary use an thought to give it a timeline and Matt felt two years would be more than enough. Ernie has added it to the resolution.

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

RESOLUTION

Motion made by Joe Logan, seconded by Al Gallina as amended.

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

1. A site plan application was received on September 17, 2019 by the Secretary of the Planning Board for a Site Plan entitled Victor Chrysler/Dodge/Jeep/Ram – Overflow Parking.
2. It is the intent of the applicant to temporarily utilize two lots for overflow parking of new and used car inventory. There will be approximately 30 parking spaces at the 6548 Anthony Drive location and 70 at the 6535 Anthony Drive location.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the project location 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 October 22, 2019 at which time the public was permitted to speak on the application.
5. The Action is classified as a Type II Action pursuant to Section 617.5, Paragraph (c)(21) of SEQRA’s implementing regulations, which states “minor temporary uses of land having negligible or no permanent impact on the environment”, and the proposed Action involves parking of overflow vehicles on nearby properties, and parking of said vehicles is intended to be temporary in nature. Classification as a Type II concludes the SEQR process.
6. The Conservation Board reviewed the project on October 15, 2019 and stated that the Board is concerned with surface run-off into wetland and stream areas. The Board is requesting that berms or barriers be constructed to prevent surface run-off into these areas.

Chairman Santoro – What do we think about that?

Mr. Pettee – So it seems the Conservation Board here is requesting that the applicant is to install berms or barriers of some form to prevent surface runoff into the wetland and streams. We are not creating any new impervious areas as part of this project and there is existing stormwater management design that has been created out there as part of the site development and thru ought the history of East Victor Park. I think I would probably leave the site the way it is and not recommend constructing berms or barriers because there is a specific stormwater design that was

created as the overall site plan out there. Absent of a redesign done by an engineer and with calculations with surface water and runoff and flows I think I would leave it the way it is. It is fine that you have a finding in here indicating that that was their concern and I would just leave it at that. There is a condition that the comments from the Conservation Board dated October 15 be addressed. I would take that condition out.

Mr. Logan – We are addressing it by not taking action on it. Were they worried about run off or were they worried about oils or fuels or anything like that. These are new cars so you shouldn't have that unless it is your used car lot which I doubt.

Mr. Indiano – They are all new cars there.

Mr. Pettee – If you are looking at some of that gravel area up there the second area off to the right where you are proposing some of the overflow parking. It looks like those are designed to not be permanent parking there until pavement was installed but that area would be used for parking anyway.

7. The Town of Victor Code Enforcement Officer reviewed the site plan in a letter dated October 19, 2019, and provided comments.
8. The Town of Victor Fire Marshal reviewed the site plan and in a letter dated October 4, 2019, offered comments.

NOW, THEREFORE BE IT RESOLVED that the application of Chrysler/Dodge/Jeep/Ram, Site Plan entitled Chrysler/Dodge/Jeep/Ram – Overflow Parking, received by the Planning Board September 17, 2019, Planning Board Application No. 48-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 a minimum 20 foot drive-aisle between parking rows in parking lots be maintained for emergency vehicle access per the Uniform Fire Prevention and Building Code.
3. If the overflow parking has not concluded within two years the applicant is to return to the Planning Board for further review.

Mr. Logan – I had another thought about that. This is a temporary approval if he vacates the lot I would expect that this approval would go away because it is for his business specifically. That this expires once the tenant is no longer occupying 6560 Anthony Drive. We have had a few special use things that carry over forever and I don't like repeating those.

4. That this approval will expire upon the applicant vacating the premises.

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

PARADISE ENERGY SOLUTIONS

7330 St. Rt. 251

Owner – High Rustler LLC

Applicant is requesting approval to install a 100.1 kW DC solar system on the main roof of Finger Lakes Coffee Roasters. It will be used to offset energy usage on-site.

Brad Stoltzfus 2351 Route 14 in Geneva

46-SP-19, 09-SU-19

Zoned – Light Industrial

Mr. Stoltzfus – I am representing Fingerlakes Coffee Roasters who is requesting a special use permit and site plan review for a solar project to be located on the roof of the building. I believe the only thing different than last week was that the comments by the Fire Marshal have been addressed.

Chairman Santoro – We have comments from staff that the Fire Marshal comments have been satisfied and we also have the County comments who voted this as a Class I with comments referred back to this board. We are all set with all of that. Anyone from the public have any questions? Hearing none anyone on the board?

Mr. Logan – No, he satisfied the Fire Marshal comments.

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

RESOLUTION

Motion made by Heather Zollo, seconded by Joe Logan.

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

1. Applications for a Site Plan and a Special Use Permit were received on August 29, 2019 by the Secretary of the Planning Board for a project entitled Paradise Energy Solutions.
2. It is the intent of the applicant to install a 100.1 kW DC solar electric system on the main roof of Finger Lakes Coffee Roasters located at 7330 Victor-Mendon Road. The system will be used to offset energy usage on-site.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within a minimum of 500-feet of the project site were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on October 8, 2019 and October 22, 2019 at which time the public was permitted to speak on their application.
5. The Action is classified as a Type II Action pursuant to Section 617.5, Paragraph (c)(15) of SEQRA’s implementing regulations. As noted in this Section, a project is a Type II Action if it involves installation of solar energy arrays on an existing structure provided the structure is not:
 - i) listed on the National or State Register of Historic Places;
 - ii) located within a district listed in the National or State Register of Historic Places;

iii) been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law; or

iv) within a district that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law.

The project includes installation of a solar array on an existing structure, and the structure does not meet any of the thresholds noted in Section 617.5, Paragraph (c)(15)(i-iv) Classification as a Type II concludes the SEQR process.

6. The Fire Marshal reviewed the site plan and special use permit applications and on September 10, 2019 forwarded comments.
7. The Code Enforcement Officer reviewed the site plan and special use on October 2, 2019 and forwarded comments.
8. LaBella Associates reviewed the site plan and special use and in a letter dated October 4, 2019, offered comments.
9. The applications were referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On October 9, 2019 Ontario County Planning Board referred the applications back to the referring agency as a Class 1.
10. Pursuant to §103-7.A(2) of the Victor Town Code, roof mounted PV systems having a system capacity greater than 25 kW require a special use permit and site plan review.
11. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
12. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
13. The proposed use conforms to all applicable regulations in the district which it is located.

NOW, THEREFORE BE IT RESOLVED that the applications of Paradise Energy Solutions, LLC, Site Plan entitled Paradise Energy Solutions, drawn by Steven Thomsen, dated August 22, 2019, received by the Planning Board August 29, 2019, Planning Board Application No. 46-SP-

19 and Special Use Application No. 09-SU-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 the Fire Marshal dated September 10, 2019 be addressed.
- 3. That the comments in a letter dated October 4, 2019 from LaBella Associates 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 installation.

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

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

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

Approved 4 Ayes, 0 Opposed, 1 Absent

APPLICATION HELD OVER FROM 9/10 MTG

VICTOR VIEWS ASSISTED LIVING

1440 State Route 444

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

39-SP-19, 08-SU-19

Zoned – Residential 2

Chairman Santoro – I would comment that the staff comments are that the Fire Marshal comments have been satisfied and the Planning Board can waive the provisions in the Standards for Section 211-48 for parking driveway setbacks.

Alyssa Poole owner of Victor Views Assisted Living

Ms. Poole– I think we have answered all the questions that have come our way. Do you have any further questions or comments for us? Concerns that we need to address?

Ms. Zollo – Can you just point out for me from the drawings which side of the building faces Route 444? The actual rendering of what it is going to look like from the road.

Ms. Poole – In that drawing specifically do you mean?

Ms. Zollo – Anyone that shows the face of it. I am not seeing where the windows are or the doors.

Ms. Poole approached the dais to point out correct direction.

Mr. Logan – The east elevation. On sheet A200. Correct? Ok.

Ms. Zollo – Thank you.

Chairman Santoro – Anyone from public have any questions? Back to the Board.

Board members had no further comments.

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

RESOLUTION

Motion made by Joe Logan, seconded by Heather Zollo.

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

1. A site plan application was received on July 23, 2019 by the Secretary of the Planning Board for a Site Plan entitled Victor Views Assisted Living.
2. It is the intent of the applicant to create a 12-bed Assisted Living Residence to an existing single story 4,204 sf structure.
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 and October 22, 2019 at which time the public was permitted to speak on their application.
5. The Action is classified as an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and the applicant provided Part I of the Short Environmental Assessment Form.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On August 21, 2019 Ontario County Planning Board referred the application back to the referring agency as a Class 1.
7. LaBella Associates reviewed the site plan and in a letter dated August 26, 2019, offered comments.
8. The Town of Victor Fire Marshal reviewed the site plan and in a letter dated July 30, 2019 and September 16, 2019 and offered comments.
9. The Village of Victor Water & Sewer reviewed application on September 2, 2019 and had no concerns at this time.
10. The Town of Victor Code Enforcement Officer reviewed the application and provided comments in a letter dated August 16, 2019 and September 20, 2019.
11. The New York State Department of Transportation reviewed the project on August 14, 2019 and stated if any work completed within the NY-444 right-of-way A NYSDOT Highway Work Permit will be required.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on October 22, 2019 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Victor Views Assisted Living 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 Pardi Partnership Architects, PC, Site Plan entitled Victor Views Assisted Living, drawn by Pardi partnership Architects P.C, dated July 23, 2019, received by the Planning Board July 23, 2019, Planning Board Application No. 39-SP-19, 08-SU-19, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated August 26, 2019 from LaBella Associates be addressed.
3. That comments from the Fire Marshal dated September 16, 2019 be addressed.
4. That comments from Code Enforcement Officer, dated September 20, 2019 be addressed.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
3. That New York State Department of Transportation comment regarding Highway work permits be obtained.

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	Absent

Approved 4 Ayes, 0 Opposed, 1 Absent

There were no other discussions.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 7:52 PM

Lisa Boughton, Secret