

A Planning Board workshop was held on January 10, 2017 for the Fishers Ridge project with the following in attendance. Meeting started at 6:30 pm:

Jack Dianetti, Planning Board Chairman; Al Gallina, Heather Zollo, Joe Logan, Wes Pettee, LaBella Associates; Don Young, Town Attorney; Kim Kinsella, Cathy Templar, Katie Evans, Ashley Champion, Paul Colucci, Lee Wagar, Marsha Senges and Mark Tayrien via phone

ABSENT: Ernie Santoro

Mr. Tayrien – I think the main purpose for this workshop was to give the Planning Board members a chance to ask any questions. Also there are 10 or 12 minor revisions that have been suggested by various members of staff and consultants within the past few days. We can go over them if there is time but most important is to go over any questions that you may have.

Ms. Evans – Mark had provided a packet to be reference this evening with the revisions mentioned. Before we go through those are there any questions or additional clarifications?

Mr. Tayrien – Or if someone has an issue with something in the document and they'd like it revised we can go over that too.

Chairman Dianetti – When we talk about Road A and Road B in the subdivision, what did we decide is actually going to trigger construction of Road B?

Mr. Tayrien – The way it's written in this document, Phase 1 for traffic mitigation purposes is not just the first phase of construction. It also includes a hotel and residential development. That's defined in the Traffic Impact Study as Phase 1 and all of the traffic mitigation for Phase 1 is keyed to that. So the answer to your question, any development that goes beyond that Phase 1, the Bass Pro, bowling alley, restaurant, 200 bed hotel and there's some residential development as well are included in that Phase 1. Any development beyond that triggers the Road B, the way it's written now. I should add the Findings Statement in one place alludes to the potential...there's a requirement for them to do an updated traffic study when they come in with any future phases beyond that Phase 1. If that traffic study indicates that Road B is not needed at that time for whatever they may be proposing, what would have to happen then is you'd have to revise/amend these Findings to allow whatever that development might be to go forward without Road B. The way it's written right now, anything beyond Phase 1 triggers Road B but it does allude to the potential for that exchange -----.

Ms. Evans stated that was explained starting on Page 10.

Mr. Gallina – Content wise I'm comfortable that all of our thoughts and considerations are in here. Just within the introductory on Page 2 and in the final conclusions, in my mind it lacks two key points. One the fact that one mitigation measure that the Planning Board thought might be viable which is scaling back the development which I guess was ruled out on the part of the Project Sponsor. The second thing in the introduction and the Findings is the fact that there still

will be significant adverse impacts to the traffic. It's sort of buried on Page 16 but I believe it's significant enough that it should be called out.

On Page 16 it's actually spelled out, but I believe that the negative impacts on traffic and it says basically we've done everything practicable but it doesn't state the fact that there will still be significant impacts on the environment, specifically traffic.

Chairman Dianetti – So you just want to mention in the Findings that it's still an issue.

Mr. Gallina – On Page 16 it kind of calls it out but if someone is just looking at the beginning and the end, you miss that point.

Mr. Tayrien – So you'd like to see a statement referencing the fact that there are unavoidable impacts earlier in the document or later, somewhere so it would be found in all of the midst of the document.

Mr. Gallina – On page 2, the last bullet where it says, *the Project as approved herein*. I'm just unclear as to what that actually implies.

Mr. Tayrien – That language comes in because that's what SEQR requires. It's for the Planning Board to certify that the project that they are approving and all of the legalese that follows is a project that avoids or minimizes the adverse environmental impacts to the maximum extent practicable. The project that is approved herein is a project that has been applied for and as approved subject to all of these conditions that are listed.

Mr. Gallina – To me the FEIS should be just that, it's a finding of fact. We've done the due diligence, these are the findings, whatever our conclusion is but that doesn't necessarily apply project approval in my opinion.

Mr. Tayrien – I think you have a point. If you are asking does this document as it's written now support an approval of the project or a disapproval of the project or even an approval with modifications, my answer is this document will not support a disapproval of the project. It would support approval of the project as proposed subject to all of the conditions that are listed. That's what this document does. You can't write a Findings Statement that does both so we had to pick a path and that's the path that we chose and if that's not the path the Planning Board wants to follow, that's fine it's your decision but we'll have to come up with a different Findings Statement to support a disapproval of the project or one that was restricted in other ways. For example scaling it back, this documents would not support approval of the project in a scaled back form.

Mr. Young – That sentence that you're looking at is really what SEQR boils down to, for this Board to make a Finding that the project as described minimizing adverse environmental impacts to the maximum extent practicable. It doesn't mean that there will not be any impacts or that it eliminates every potential impact.

Mr. Gallina – That doesn't necessarily imply that it's an acceptable mitigation. Just because it's all practicable, to me that's the ultimate decision the Planning Board still has to make, do we approve this project or not, based on the Findings of the FEIS.

Mr. Tayrien – I'll put it even more directly, if I were on the Planning Board and in my opinion this project is one that should not be approved or described as one that should only be approved if scaled back significantly and the vote came up to adopt and issue this Findings Statement, I would not vote in favor of it because this Findings Statement doesn't support either one of those outcomes.

Ms. Evans – So on that note, is there a revision that you'd like to see if it's a concern?

Mr. Gallina – My concern is the traffic going to be a significant impact, just like the discussion we're having with Conserve. I believe that at this point, even though we've done everything practicable, the impact on traffic will be significant and in my mind doesn't warrant proceeding with the project as submitted. I think a scaled back project might be more appropriate.

Mr. Logan – Just for traffic?

Mr. Gallina – Yes. I think again, in all of the other categories from sewer to archeological I think there is sufficient mitigation that will deal with the impacts.

Mr. Logan – So then does the next phase trigger a traffic study?

Mr. Gallina – Again, I was educated there and essentially the applicant has already indicated it's all or nothing. Once they start construction if we approve this, I don't think there is much that can be done at that point to slow things down. We already know traffic is going to be a problem. Again, unless there's a miracle between now and the completion of Phase 1.....

Chairman Dianetti -I don't know if that's true because if the traffic mitigation isn't working and we're talking about adding more traffic, then that would be a significant finding as we move forward with this project and that could stop further development of the project.

Mr. Gallina – But we already know that it can't be mitigated at least at a couple of key locations; Main Street Fishers/Route 96 and the Village. We said essentially there is no mitigation for those key notes.

Ms. Zollo – My feeling with the traffic mitigation is that if we put in 5 or 7 lanes on that little strip, it still goes down to 2 lanes a couple of hundred feet beyond there. So I don't see how it's mitigated to its maximum extent practicable or avoiding impacts. I just have a real problem with that.

Mr. Gallina – Again we kind of got into this ---- because again the applicant indicated it's all or none. We know all has unmitigatable traffic issues. So even again, doing a study half way

through, I don't think resolves anything other than we've been boxed in and we all live with the consequences of the traffic.

Ms. Evans – I don't think this addresses your concern but just to bring it into the conversation, every phase requires a traffic analysis to be done. They need to provide existing traffic data so we know what the previous phase or development is contributing to the network and that would include any background growth that has happened intermittent to this project. So we do have that and you have the ability to analyze that and say that it's not what was anticipated in the FEIS, it's greater so now it opens up to what would be appropriate mitigation.

Mr. Gallina – So it could be worse in some of the areas that we've identified mitigation for, like Route 251, Route 96, Lane Road. So maybe we've been optimistic there so conditions might be worse. But they are not going to get any worse at the two key junctures because we've already said they are going to fail, extended wait times and everything else. So I don't know how much more they can fail other than what they are doing now or projected to fail.

Ms. Evans – Whether this project happens or not and I thought Mark did a nice job explaining that in the no build scenario or if there is a moratorium in Victor, it's only going to push development out to our adjacent communities and they are all going to travel through Victor anyway. So there is that consideration.

Mr. Gallina – But this accelerates it. I mean I guess you would be hard press to argue otherwise. That's where I'm at.

Mr. Young – I just want to emphasis that you're not analyzing whether this project leaves us with a significant impact. We've already done that. We've already concluded that there are going to be significant impacts. What you're looking for is whether any potentially significant adverse impacts have been mitigated to the maximum extent practicable. Just by way of example, one of the issues we have is you can't create more lanes under the bridge at Main Street Fishers. It's not practicable to say move the bridge. You're not looking to say there are no impacts, you're trying to make a decision.

Mr. Gallina - Aren't we then weighing to say the negative impact on the environment, a yea or nah vote that this project in total offsets the benefits that offset that impact.

Chairman Dianetti – Plus all of the money that each of these developments are contributing to upgrade the existing road system prior to getting to the bridge is work that would eventually have to be done as well and they are all footing the bill for it. We're not being taxed to pay for it, we're being asked to tolerate some traffic backing up at that intersection. The other thing that we need to look at is we doubled our town taxes this year because of reduced sales tax and other reasons. One of the things that you try to do as planners is to look forward and try to balance the future today. One of the things that we need is development that doesn't burden the school system and other government provided services to a greater extent than it provides in tax revenue.

Ms. Zollo – We are including residential here so there is....

Chairman Dianetti - We are but the beauty of a development like this and I'm going back to where I started with all of this, back in 1978 at the Audubon New Community in Buffalo, the concept was to create balance in a new community that provided a balance of development between different types and styles of housing, different economic levels, office parks, Light Industrial, retail, trying to establish balance within each area that was being developed. But in the beginning it probably didn't work very well because they were over aggressive but that's kind of what this concept is, across the country to try to balance within itself. The only thing that I can't balance is people getting there.

Mr. Gallina – I'm not evaluating the goodness of the proposal....

Chairman Dianetti - You want to evaluate the benefits against the disadvantages. So in doing that, you are debating if the benefits are going to offset, are you willing to pay more in town taxes than you're paying now? Or do you want to see some offsets. The community from what I've seen is always asking for more quality of life support. One of those things is preserving open space. Everyone wants to preserve open space but nobody wants to pay for it. They just want all of the landowners to give it up. Well here's an opportunity for some type of mitigation with some of this development that is going on to say, we're going to set aside some open space and leave it completely natural, that's how we're going to mitigate some of the impacts. So there are opportunities to do things.

Ms. Zollo – Where are they setting aside the open space?

Chairman Dianetti – On here you're doing it just within this one project. What I'm saying as we go forward and we have the code in place that we need is to set things up properly, we can mitigate some of the impacts by getting the open space set aside off site from some of the developments where we tend to concentrate a higher intensity of development. Not necessarily this one but some of the other ones that come along that are high residential impacts that are going to add 300 kids to the school system. I'm trying to look for ways to create more balance not just doing less. Doing less on a particular piece of property that has a lot of positives about its location in terms of proximity and existing roadways, one of the benefits to that is it's a more sustainable use of that property because you're getting more out of it using less land. You're not spreading that out over 200 or 300 acres to get the same result. There are a number of ways to look at this and I understand your point that maybe it should be smaller but I don't know if this is the project to do that with because it's not 1,000 people on 10 acres, it's spread out over more acreage, doing a lot of mitigation that would need to be done even if we had the bridge underpass widened. I'm just trying to balance all of this in my head and I'm hesitant to say no because I think it's too big especially when we have a check point.

Mr. Gallina – We really don't.

Chairman Dianetti – I think you do.

Ms. Zollo – All of this is necessitating the sewer project.

Chairman Dianetti – The sewer project is necessitated by more than this project.

Ms. Zollo – Right I'm not saying it's just this project. But all of this development, you mentioned that we're the Planning Board and we're looking to....

Chairman Dianetti -Right and you have a 50 year build out of the Light Industrial property at that end of town. 50 years of development to come and you don't have a sewer system today that can handle it.

Ms. Zollo – We've already gone over this. I've mentioned it, we've talked about this ad nauseum. As a Planning Board we are not planning, we're reacting. We react to what the developers bring to us and had we been proactive, the sewer could have been taken care of.

Chairman Dianetti – We're reacting to more of what the zoning is and where it's located.

Mr. Gallina – The sewer is a good example of where there is a solution and we're going to invest in that solution and therefore it won't be a problem. The traffic will be a problem and it's only going to get worse and worse.

Chairman Dianetti – There will need to be improvements made at some point in time. Today it's the sewers and in 5 or 10 years it may be the underpass.

Mr. Gallina – Are we willing to live with complete gridlock in 5 or 10 years?

Chairman Dianetti – You're going to have it anyways whether Victor does nothing or they do everything, there's going to be development all around us that's going to come through.

Mr. Gallina – Then if that's the case we should just maybe stop assessing traffic.

Ms. Evans – But to your purview, it depends upon the weight that you put on it. Traffic at the risk of monitoring, stream restoration, added recreational activities and I'm not talking about Bass Pro but the additional trails that are proposed.

Mr. Logan – I'm of the opinion that there is a lot of work that needs to be done on this corridor. I sympathize with Jack's statement about continued development in the Town. I don't think we're prepared to do a moratorium but I think we certainly need to get people on board with what we're doing with this 96 corridor. I know the town is doing a study on that. The question that I have is will that study then result in further improvements that would assist in traffic flow through the corridor whether it's getting cars to go around or getting cars on a new alignment or the railroad tracks people talk about, all of these things to get them through the Village. The

thruway needs to replace the bridge. At what point can we then say “stop” before any of this is done? If there is gridlock at Main Street Fishers do we have to say that we’re done allowing new building permits because there is too much traffic there unless we get a new bridge over 96 at the thruway. Is that enough to stop this project in its development? I don’t know how long it’s going to take to build out. Certainly Phase 1 doesn’t appear to require a significant mitigation traffic wise but beyond that, if we’ve got gridlock, how can we approve anything further.

Chairman Dianetti – How are you defining gridlock?

Mr. Logan – Situation worse than what we’re already contemplating for one. But then traffic not being able to move.

Chairman Dianetti – Don’t you think people will begin to take alternate routes on their own?

Mr. Logan – I’m sure they will. I’m sure they will find ways around.

Chairman Dianetti – Do we want to have a police blockade on 96 and 332 and 41? (No) Force everybody to go on the thruway?

Mr. Logan – I’m often baffled why people come through the Village now.

Chairman Dianetti – I am too. It’s just a habit for a lot of people.

Ms. Zollo – The thruway, the toll booth at Exit 45 is to capacity.

Mr. Logan – I think soon the thruway is going to open up and have high speed on the thruway tolls and get rid of all of the interchanges.

Ms. Evans – So this Findings Statement requires real time messaging to be installed on 490 and 332 before the thruway notifying and sensors are required to be installed on the 3 intersections through the Village so that it can indicate an approximate time it’s going to take to get through. Mark had commented that that was something that he had experienced just recently.

Mr. Tayrien – I see them all over urban centers where you’re at a freeway or expressway and it gives you the time from where you are to a particular key destination in a matter of minutes. If you drive through there routinely it should take you 10 minutes and the board says it’s going to take 25, you start looking for a different way to go. I see that all over the place.

Ms. Evans – So that is a required mitigation measure as a part of this Findings.

Mr. Colucci – That was the only real sensitive one that I had because that requires the DOT to allow me to do that and if they say they don’t want that, I have no chance of implementing that.

Ms. Ashley Champion – It’s subject to DOT.

Mr. Colucci – I gave Mark some language at a workshop relative to that.

Ms. Evans – So in summary, what you're saying is that the real time messaging is subject to State DOT approval.

Mr. Colucci – Correct. It's in there as a required mitigation but if the State DOT says that they don't want me to implement that, than I have no chance of getting that implemented as a mitigation measure.

Ms. Evans – Have they given you any indication that they wouldn't want that?

Mr. Colucci – They understood just like Mark and many of you have stated, you've seen it elsewhere and they said that it's a technology that they are looking at implementing in this part of the State but they are probably a few years behind being able to implement that.

Mr. Logan – So what's from keeping us putting that trigger in or is that something that you can't accept Paul? At some point the traffic is going to be where you're going to need to do additional improvements that you've already planned on and beyond. But at what point can we say that if you do that on a phase and there are two more phases to go and I don't know how many phases you are thinking of doing.

Mr. Colucci – Likely about 6 phases when you are looking at how the individual lots are laid out. That's how we contemplated that it's developed in sections. We referred to phases interchangeable to sections. This development is proposed in 6 different sections.

Mr. Logan – Pinnacle was approved with conditions that the next phase they would want this traffic mitigation measure has to be in place.

Ms. Evans – So this statement has two triggers; requirements prior to C of O for Bass Pro and then anything more.

Mr. Gallina – But Joe, the difference with Pinnacle is there are all mitigating solutions to all of the traffic issues that were identified. In this case there is not.

Mr. Logan – Well they're doing a certain amount and there are things that aren't going to be done beyond.....

Mr. Gallina –But again, two of the main entrance points to the Town of Victor are not mitigated. That's the decision. It comes down to that.

Mr. Logan – Then what we want to do as a community is beyond this development.

Mr. Gallina – Yes it is but this is on for a decision right now.

Mr. Logan – But if we do something as a community, will that resolve our traffic issue? Is there anything we can do as a community to resolve that traffic problem other than stopping development? Even that won't help.

Chairman Dianetti – The development doesn't jump over and not impact us. It's still going to impact us just as dramatically and maybe in less time because maybe things will get approved with less scrutiny than they get here. I'm not complaining about the scrutiny that we're giving it or looking for the solutions, I'm just saying that at some point there is nothing more that you can really do. If in reality cutting back dooms the project then what is going to end up in here and is it going to produce the same thing only in smaller sections? Everything has an impact, we've already agreed to that. That's one thing that we can agree on, is that everything has an impact.

Mr. Gallina – And I think we can also agree that this is a very significant project in scope that would transform essentially Victor.

Chairman Dianetti – I'm not going to argue with you on that.

Mr. Gallina – You notice that I didn't indicate transform good or bad but it transforms the landscape of Victor.

Chairman Dianetti – I'm not going to argue with you but it's not the last one either. There's acres just to the south that is still undeveloped and its all going to go the same way. So something has to happen at the log jam.

Ms. Evans – There is approximately 78 acres adjacent to this property owned by this one property owner. So there are 95 acres on the table today. There is a whole lot of land left.

Mr. Gallina – We have a problem that needs to get fixed and I don't think anyone will disagree with that.

Mr. Colucci – You guys are all putting a lot of thought into this and that's what this is designed to do. If you could just step back and just look at how we approach this. It's trying to put a project on the table as Jack was describing that balances uses that's in concert with your Comprehensive Plan. If you look at your Comp Plan that was recently adopted, it calls for mixed use development in this exact location. It calls for development and maximization of commercial land in this corridor where there is existing infrastructure. You're plagued by a capacity issue in the Village which if you opened up the Village to 4 lanes (2 lanes in each direction) you don't have the Village character anymore.

Mr. Gallina – You're not going to have it after this development comes in anyways.

Mr. Colucci – You're always going to have that natural throttle which is a good thing. It's no different than the Village of Fairport or Village of Webster and Village of Pittsford. You have a

vibrant commercial corridor that leads to a traffic calming measure which is the Village and people either tolerate it and sit through traffic to make their commute or do business or they find an alternate route. We have perceived traffic issues relative to our standard that we find acceptable versus we've all gone to other vibrant places that you look and visit and vacation at and enjoy and they have traffic because people want to be there and you're one of those people who are going there. We happen to live in an area where people want to be. So there is some level of tolerance that we have to have with traffic when you balance all of these pros vs cons. I think that we've put a project on the table and the FEIS has brought us through a process that really shows the benefits outweigh the negatives and the negatives are a couple of issues that we can not mitigate, otherwise I would have solutions before you.

Chairman Dianetti – I'll go back to the Audubon and ----- or Radison or whatever you want to call it but those two communities, the idea was to live, work, play and shop within a walkable distance of one another. To reduce the need for automobiles and traffic on the roads and use other modes of transportation. The project itself was designed for internal use and less extra lanes and that's one of the concepts that is incorporated in this type of design. So when you look at it, it's hard to project how much traffic it will generate or not generate.

Mr. Gallina – I would argue and again there is no right answer, most people that live there probably won't work there and most people that go there to the restaurants are probably coming from outside.

Chairman Dianetti – I imagine there are statistics available for this type of community that would give us a better indication rather than just guessing at it.

Ms. Zollo – I talked with someone who is a property manager in the area about rental units in this area and the people working at the Bass Pro and the other places probably won't be able to afford to live there. So that's a fact.

Mr. Colucci – Fact is a strong word.

Ms. Zollo – If you are paid \$10 or \$12 an hour how can you pay minimum \$1200.....

Mr. Colucci –When you use a word backed up with casual conversation that is a strong word to use in this form.

Ms. Zollo – I looked it up, \$1200 a month for rent and if you're making \$10 or \$12 an hour at a restaurant or at the Bass Pro Shop you probably can't afford to pay that kind of rent.

Mr. Colucci – Well to use the word "fact" in this form is strong when you had a casual conversation.

Ms. Zollo – No, I looked it up on a bunch of property rental sites as well as talked to a property manager who manages property in this area and the rentals begin at \$1200 a month. Do you want me to look it up so that I can say yes that's a fact?

Chairman Dianetti – Not everybody who would be living up there would be making \$10 or \$12 an hour. There's going to be a lot of higher salary people who are working up there just based on the offices and the other types of uses of the bldgs.

Ms. Zollo – Okay so yes those people might be able to afford to.

Chairman Dianetti - And instead of taking a random statement and I'm sure there are statistics available and studies have been done about this type of development that would demonstrate facts and statistics, whether or not they get twisted is another story.

Mr. Gallina – So the facts that we know are all incorporated in the FEIS. That is the fact document so those are the facts and I think the Planning Board needs to make a decision. I think that's where we're at.

Ms. Evans – We're running slightly over in time.

Ms. Champion – Just to Al's point that the Planning Board needs to make a decision but bringing it back to what Don said earlier, the decision isn't necessarily whether it's acceptable that you think the traffic or the project is acceptable but just that the project mitigates impacts to the maximum extent practicable, there maybe some left over that I think we can all agree can't be mitigated, there's nothing else that we can do and that's the point of the Findings Statement, not whether or not you're okay with that but all of the mitigations are in place.

Mr. Gallina – Don, do you agree with that?

Mr. Young – Essentially that's what I said, yes.

Mr. Gallina – So there is never a condition where there is a final Findings in the FEIS that there's a reasonable opportunity if the impacts are so compelling that you would not approve it?

Mr. Young – That I don't know. I don't know if that's ever happened before but I do know that what SEQR requires is that the project be one that mitigates the impacts to the maximum extent practicable. That is the question.

Mr. Gallina – And if scaling back the project, again I think is a reasonable mitigation factor that the applicant has indicated is not in their best interest. I would not then agree that all practicable solutions have been vetted.

Mr. Colucci – I think that we need to look at the facts that we put forth into the FEIS that state that the balance of the project, the mixed uses and that there is a programmatic balance to allow

the project that financial success and that's a real component of SEQR that needs to be evaluated that it's a successful project.

Mr. Gallina – But that's subjective too right? What's financial success?

Mr. Colucci – It's not subjective. We've done a lot of research relative to how this works financially from a performance basis. What we expect, that's fact. We've also given a lot of thought into the text that has been put into the FEIS relative to if we did scale back to Jack's point that he's been describing. We don't effectively mitigate the fact that the corridor is going to continue to experience growth. With no development on this project and some year, you're going to have all of the traffic impact that this project would bring with no proceed benefits.

Mr. Gallina – Is that 10 years out or 5 years out?

Mr. Colucci – 2022 I believe is where we projected it.

Mr. Young requested an attorney/client meeting with the Planning Board members, Wes Pettee and Mark Tayrien via phone.

Ms. Evans asked Mr. Tayrien if he had any closing questions or comments.

Mr. Tayrien – I think this conversation is exactly the kind of conversation that SEQR is intended to support to lead to. I sympathize with you, I think it's a difficult decision but you're talking about all of the right stuff in my opinion.

The public workshop ended at 7:20 pm and went into an attorney/client meeting.

A regular meeting of the Town of Victor Planning Board was held on January 10, 2017 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Jack Dianetti, Chairman; Joe Logan, Vice Chairman; Heather Zollo, Al Gallina

ABSENT: Ernie Santoro

OTHERS: Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Katie Evans, Director of Development; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Silvio Palermo, Town Board Liaison; Joe Limbeck, Conservation Board; Jennifer Michniewicz, Clark Patterson Lee; Kip Finley, David Nankin, John Butler, Joan Keyser, Bill Keyser, Marsha Senges, Lee Wagar, Katie Coyne

CORRESPONDENCE RECEIVED

- Carol Urbanic regarding Conserve and also a letter regarding Royal Car Wash
- Joseph Hurley regarding the Cole & Parks building

APPROVAL OF MINUTES

On motion of Al Gallina, seconded by Joe Logan

RESOLVED that the minutes of October 25, 2016 be approved.

| | |
|---------------|--------|
| Jack Dianetti | Aye |
| Joe Logan | Aye |
| Ernie Santoro | Absent |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 4 Ayes, 0 Nays

On motion of Joe Logan, seconded by Al Gallina

RESOLVED that the minutes of December 6, 2016 be approved.

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|---------------|--------|
| Jack Dianetti | Aye |
| Joe Logan | Aye |
| Ernie Santoro | Absent |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 4 Ayes, 0 Nays

On motion of Joe Logan, seconded by Heather Zollo

RESOLVED that the minutes of December 20, 2016 be approved.

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|---------------|--------|
| Jack Dianetti | Aye |
| Joe Logan | Aye |
| Ernie Santoro | Absent |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 4 Ayes, 0 Nays

On motion of Heather Zollo, seconded by Al Gallina

RESOLVED that the Fishers Ridge Workshop minutes of December 6, 2016 be approved.

| | |
|---------------|--------|
| Jack Dianetti | Aye |
| Joe Logan | Aye |
| Ernie Santoro | Absent |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 4 Ayes, 0 Nays

BOARDS/COMMITTEES UPDATES

Town Board reported by Silvio Palermo

- I'll be the Planning Board Liaison for the first 3 months of 2017, followed by David Tantillo for 3 months and then David Condon for the last 6 months.
- Thank you to Al Gallina for willing to serve another five year term on the Planning Board.
- Last night's Town Board meeting, privilege of the floor was given to our Town Historian Mrs. Huber. She presented to us the Historic Advisory Committee request to have a Demolition code, which is more of a Delay process that they have been working on with our Town Attorney David Hou. It would offer a review period before a demolition would be approved. Town Board was receptive towards this. Her next step is to present this to Planning Board and give this Board an opportunity to give feedback.
- Mr. Palermo introduced Mr. John Butler as the new Historic Advisory Committee member.

Conservation Board reported by Joe Limbeck –

- Has comments for the Hackel garage which is an application this evening and will make comments at that time.
- Mr. Limbeck and Kate Crowley will continue in their present roles for the Conservation Board for 2017.
- Jacob Post possibly will be leaving the Conservation Board due to employment out of town.

There were no comments from the Victor Hiking Trails, Parks & Rec, Historic Advisory Committee.

Planning Board reported by Kim Kinsella

- January 24th meeting
 - Public Hearings
 - Regal Cinema for their marquee sign
 - Sunset Manor Final Subdivision for 5 building lots on 5 acres
 - Anton Valley Sketch Plan for 15 single family lots on corner of Gillis/Co Rd 9
 - Tesla Supercharging Station at Eastview Mall
 - Discussion
 - 7200 Rawson Road Fill requesting time line removal

The legal notice for the public hearings appeared in “The Daily Messenger”. Post Cards were mailed to property owners within a minimum of 500 ft from location of each application along with “Under Review” signs being posted on the subject’s parcels.

PUBLIC HEARING

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

HACKEL, EDWARD –GARAGE

8032 Taylor Road

Appl No 37-SP-16

Owner – Edward Hackel

Zoned – Residential 2 D3 - 3 acres per site

Acres – 10.50

SBL # 26.00-1-2.000

Applicant is requesting approval to construct a detached 24'x28' garage to be built on site similar in nature to the existing attached garage. The applicant would like to construct a second floor for storage which would bring the total square footage to 1,008 sf and has an average height of 16 ft. which triggers Planning Board site plan review due to the size and height. This project also appeared before the Zoning Board of Appeals on December 19, 2016 and received a variance to construct the garage forward of the front line of the existing house. This is the first time this application is before the Planning Board.

Mr. Edward Hackel – Would you like to ask me questions? We are looking to build a two car garage that I do have a permit for that I'm in violation as it's drawn and as the architect, I've revamped it so that I can get it by making the overhangs wider which brought my roof height down. I told them (Building Dept) that I would put plywood on the roof trusses. So I'm here asking permission to put the plywood on the roof trusses and I'd like to make the overhangs back to 12" wide instead of the 24" wide that I switched it to in order to get my permit.

Ms. Evans – So the Planning Board is looking at the location of the garage and the aesthetics of it. You're building permit will address the width of the overhangs. Does that make sense?

Mr. Hackel – Yes, I'm asking permission to make my overhangs 12" wide and that changes the height and puts me to 16 ft (15 ft is code). So with full disclosure, I have a permit and the reason why I was able to get it is because I made the overhangs wider and it brought my numbers to code.

Chairman Dianetti – It says here you're here because of the square footage.

Mr. Hackel – Well I'm asking permission for that but the trusses come with that ability to put the plywood on the trusses but it doesn't affect anything....

Chairman Dianetti – You lowered the height and you reduced the square footage or does the square footage stay the same?

Mr. Hackel – I'm asking for the 1,008 sf.

Chairman Dianetti – And that still needs the Planning Board's permission. I think the two things he is here for tonight is the height of the garage and the square footage. The rest is handled through the building dept.

Mr. Logan – Isn't it the location too, Katie was talking about that it was in front of the existing house.

Chairman Dianetti – He received a variance from the Zoning Board of Appeals to be forward of the front of the existing house. There was a question about the lighting.

Ms. Evans asked if there would be any lighting.

Mr. Hackel – There's none in this paperwork but in my project I have the ability to put power in there. I put a subpanel in my existing garage and my plan is to put power in that garage.

Chairman Dianetti – Any external lighting?

Mr. Hackel – They told me the lighting was to code. I have indoor lighting, a few lights and I have 3 lights for the outside that match the house that goes next to each garage door and then a light at the entrance door.

Ms. Zollo had no comment.

Mr. Logan – So he was asking for a variance on the height?

Chairman Dianetti – He reduced the height.

Mr. Hackel – I'm asking for a variance on the height.

Chairman Dianetti – You need one for the height and the square footage.

Ms. Evans – So it doesn't trigger a variance. I was confused about this and Cathy clarified it for me. It doesn't require a variance but any accessory structure over 15 ft in average height triggers the Planning Board review.

Mr. Logan – And the same for the square footage for over a 1,000 sf and he's 8 sf over that.

Chairman Dianetti clarified that the variance he received was for the location of the accessory structure being in front of the existing house.

Mr. Logan – If it's going to look like the existing garage, I have no problem with either one of the requests.

Mr. Gallina – I agree with Joe's comments.

Chairman Dianetti asked for public comment.

Mr. Phil Keiser from 8008 Taylor Road which is east of Mr. Hackel's property. I had a question about a couple of things. It mentioned on the application that the average height was 16 ft. Is that the maximum height? Is that the peak? I'm questioning the word "average".

Mr. Hackel explained what was meant by the "average" height. It's the measured height at the eave and then the measured height to the peak of the roof, divided by 2 is how they come up with the number 15. So my peak is 22 ft, my eave is 9 ft, my total is 31 divided by 2 is 15.5 ft and the rule is 15. So I can beat this rule by making my overhangs come down and show more roof and make my overhang wider. It puts more shingles on the roof, it doesn't make the roof any shorter but it makes me in compliance with the rules.

Mr. Keiser – Is there no maximum height to the peak in the zoning?

Ms. Kinsella – The maximum average roof height for an accessory is 15 ft.

Ms. Zollo – Does it match the height of the existing garage?

Mr. Keiser – The difference between the average and the maximum?

Mr. Young – The Code Enforcement Officer has reviewed the application and has told us that it's in excess of maximum height.

Mr. Hackel – It matches my existing garage. My garage has 8 ft walls on it and the new one has 9 ft walls on it. That's the difference.

Chairman Dianetti – Is it below grade of the existing garage?

Mr. Hackel – No the grade is higher than the existing garage. It's 24 ft away.

Mr. Keiser – You don't have an elevation drawing of the house and the proposed structure so that you can see it and the height.

Mr. Hackel referring to the overhead photo – That's a pretty good depiction of the hills and the (inaudible).

Mr. Keiser – I know that. I mean you don't have a drawing showing the existing house, the existing garage and the new garage so one can compare the type. What utilities will you be having in the garage?

Mr. Hackel – Electric

Mr. Keiser – That's it, no water, no heat?

Chairman Dianetti – Do those drawings have the comparison to the house?

Mr. Hackel – Just to the garage.

Mr. Keiser – Well I guess I would like to go on record saying that I'm against bending any of the existing restrictions as outlined in the code. There's potential development property on the south side of Taylor Road, both west and east of this building and it seems to me that if you bend the rule a little bit here and a little bit there, the next applicant to make a proposal for that development property, pretty soon it's out of hand. So I guess I'm against the height particularly since I know now that it's the average height. I've never heard a restriction stated as "average" height.

Chairman Dianetti – Each time anyone would want to do something that wasn't code compliant, they would have to go to the Zoning Board of Appeals and get a variance.

Mr. Keiser – I realize that.....

Chairman Dianetti - ...It's not a slip/slide situation, it's more that he's asking for basically a one time exception of the rule and he's doing something that is generally in compliance and matches what's there already and it's a 10 acre parcel? (10.7 acres) And how far back from the road is it?

Mr. Hackel – The start of the garage is 110 ft from the right of way.

Chairman Dianetti – Does this building in any way obstruct your views or can you see it from your house?

Mr. Keiser – I can't see it from my house. It's strictly a technicality that I oppose bending.

Chairman Dianetti – You oppose variances as a general rule? (Right)

Ms. Evans – Just for the record and the Board and audience, I just want to make a clarification. The code does not require Planning Board review for any accessory structures of 15 ft or less. If something is going to be larger than the average 15 ft, it's not that it's prohibited or needs a variance, it just requires an additional level of review.

Mr. Keiser – Is that 15 ft total height or is that average height as defined?

Ms. Evans – Total height, that's what the code says according to our Code Enforcement Officer.

Mr. Keiser – So what would your total height be on this building?

Ms. Evans – Excuse me, I stand corrected, it says "average". From our Code Enforcement Officer's memo issued on December 12, 2016, the average roof height to grade is 16 ft. Section 211-31 G(1) requires any accessory structure greater than 15 ft in average roof height is required to be reviewed and approved by the Planning Board.

Mr. Keiser – And they don't define average roof height.

Ms. Evans – I don't have that. We give it to him and say is it code compliant and then he advises the Planning Board on whether it's compliant or not. In this case he is saying that it requires Planning Board review.

Mr. Keiser – Okay, thank you.

Mr. Pettee – This appears to be in the R2 zoning district. In the Town zoning code, Schedule II, the area and height requirements in the Town of Victor for accessory structures, the maximum height is indicated to be 35 ft.

Mr. Logan – Maximum height not average?

Mr. Pettee – I'm not a Code Enforcement Officer but from what the zoning schedule II indicates, it's the maximum height allowable for accessory structures which is 35 ft.

Mr. Logan – And this structure looks like it's going to be identical to the garage that is already there and about the same height.

Mr. Hackel – The wall height will be 9 ft tall on the new one and the existing garage is 8 ft. But I'm going to make up the appearance difference by putting up 8 ft doors on the new garage rather than 7 ft doors. So when you look at it you won't see the difference.

Mr. Logan – And one of the elements that we consider when they do come before the Board is architecture and whether it fits in the neighborhood and if it's unusually large compared to the existing bldgs. You could probably list a host of other elements or features that we review and this one he is demonstrating is clearly consistent with the architecture of the existing house and garage. So it's not out of scale or architecturally unusual. This is one of the things that we look at and would normally go along with an application like this even if it was beyond the numbers that trigger our review. Like Katie said, it's not something that we can deny an application on, it's something that just creates an additional review and if it's unusual or out of scale, then that's when we would look at it more closely.

Chairman Dianetti asked for any additional public comments.

Mr. Joe Limbeck – This didn't make it to the Conservation Board agenda but Kate Crowley and I did put together a site review and I think it got into your packet. Just to summarize, we looked at the soils, ecological community, etc. The adjacent property does have a co-occurrence with wetlands, woods, streams and flood plain. There is a C2 stream which is part of the Irondequoit Creek watershed. A C2 stream does run through the middle of the property. But all and all, we looked at where the building will be placed on the property and we don't see any impact on the environment with the construction of this at all.

There were no other public comments and the public hearing was closed.

RESOLUTION

On motion made by Joe Logan, seconded by Heather Zollo

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

1. An application was received on December 14, 2016 by the Secretary of the Planning Board entitled Edward Hackel Jr., Garage.
2. It is the intent of the applicant to construct a 24' x 28' unattached two car garage on site with the average height of 16 ft. It is also the intent of the applicant to add a second floor for storage that will increase size of garage to 1,008 sf.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within 500' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on January 10, 2017 at which time the public was permitted to speak on their application.

5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. Applicant received an area variance December 19, 2016 from the Zoning Board of Appeals due to garage being forward of the front line of the existing principal structure.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 10, 2017 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Edward Hackel, Jr - 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 Edward Hackel, Jr. received by the Planning Board December 14, 2016 Planning Board Application No. 37-SP-16, 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 December 12, 2016 be addressed.
3. That any exterior lighting be compliant to Code and approved by the Code Enforcement Officer.

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. The building design shall be consistent with the architectural details as shown on the elevations, entitled Garage Plans for 8021 Taylor Road as prepared by Loson Architecture PLLC and received by the Planning and Building Dept on December 14, 2016.

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

Jack Dianetti Aye

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| Joe Logan | Aye |
| Ernie Santoro | Absent |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 4 Ayes, 0 Nays

HOLIDAY INN EXPRESS - PATIO AND PORT COCHERE UPGRADES

7502 Co Rd 42 (Main Street Fishers)

Appl No 34-SP-16

Owner – Indus MSF LLC

Zoned – Light Industrial and within the St Route 251/96 Corridor District

Acres - 5

SBL # 6.00-1-23.212

Indus MSF LLC is requesting site plan approval to construct improvement to the existing port couchere as well as construction of an outdoor patio with associated site improvements. This is the first time this application has been before the Planning Board.

Ms. Kate Anderson from HBT Architects – I’m here with Kip Finley from Indus Hospitality Group. So you have a plan of the patio. We’re updating the building to Holiday Inn Express. One of the amenities we are providing is the patio within the brand detailing. You have the photo, we’re going to be upgrading landscaping in that area providing perimeter fencing, some seating inside with a gas fire place, upgrading landscaping. Other than that, do you have questions? I do have existing photos of the site. This is going to be extremely enhanced with landscaping which is provided in detail on the landscape plan as well as a follow up from Indus. *Ms. Anderson passed out photos.*

Chairman Dianetti asked for public comments and there were none.

Mr. Gallina – The only comment that I have is the fencing that is depicted in one of our graphics probably wouldn’t be my recommendation for the most cosmetically appealing fence as that’s going to be facing your entryway on the Fishers Road. I would look for something a little more aesthetic. (OK) Other than that, I’m fine with it.

Mr. Logan – I didn’t really have any comments. Upgrading the port couchere is conforming with the building architecture and I really don’t object to a patio, I think it’s a nice amenity. I’m generally in favor of the application.

Ms. Zollo – I would concur with Al about the fencing. I think that could be improved. I also wondered why you’re losing the peak on the port couchere.

Ms. Anderson – The brand standard for this hotel now has more of the sloped current kind of aesthetics. So they wanted us more in line with 2016 aesthetics. Really other than losing the pitch, we're just trying to modernize it a bit.

Ms. Zollo – So it's a flat roof?

Ms. Anderson – It's sloped.

Ms. Zollo – Okay because in this climate you definitely want to avoid the flat roof. I think the peak on the older one certainly goes along with the look that we're trying to get in the area. I'm not a fan of the flat roof. The other question that I had, you mentioned in the documents that you were going to have landscape lighting and I wondered if you could provide some additional detail about the landscape lighting.

Ms. Anderson – There is an existing light that we're maintaining. Other than that, we weren't really

Mr. Kip Finley -...I'll drop in and help with this too because I knows the brand standards and why we're doing things and will have some questions. Right now we have a current site light that falls within the patio area. Our patio is going to be pretty bright just by default because it's already there. It also lights part of the parking area and sidewalk. For landscape lighting that was mentioned in the application and the most it would be is some small garden lights that we might do on the sidewalk or at certain times of the year put Christmas tree lights in the three trees on the patio.

Ms. Zollo – Okay but no spot lights shining up or anything like that?

Mr. Finley – No, at Holiday Express the only lighting they have is existing blue lights that shine up on the columns that we would relocate. When this building was built, it was their theory to make it a very homey traditional type building. As part of what we're doing here, there is a whole make over of the entire inside with new furniture, new bedding, new wall paper, carpet and all of that and everything they are having us do is not traditional. They want us to now change brass to brush nickel, it's all modern looking. But since most of our building complies on the outside, the franchise really can't make us redo the outside but they did want the port couchere to look a little more modern. What we're proposing at HBT Design is more traditional than what IHG Hotels wanted us to do. So that's a little background on that.

The picture that is there is the Oswego one that was just built (referring to the picture that was sent in with application). I guess that I agree that that wouldn't be my first choice for fence. That is the brand's standard for some reason. If we go back to them and say that the municipality does not agree or won't permit something, they say what would the municipality want and we can kind of play that card to ask them to change it but we would need input. What would you say is the right kind of fencing so that we can address it? I would need to have comments to go back to them. So any ideas of what you think would be better?

Ms. Zollo – You did mention uplighting on the pillars.

Mr. Finley – I think that is what's there now.

Ms. Zollo – That doesn't comply any more.

Mr. Logan – When they first built this building and I was on the Board at that time too, they put some uplighting on the wall wash lighting and they took that out. But I think those blue lights that you were talking about were added since the building was constructed without application to the Planning Board.

Mr. Finley – I would have to look and I'm just saying this because we build Holiday Inn Expresses. On this one, the columns....

Mr. Logan -If they don't have them, they shouldn't be added.

Mr. Finley showed a photo of a Holiday Inn Express – I'm pretty sure that it casts a blue shadow down. On some of them they go up but this....

Mr. Logan -Everything in this Town is dark sky, down lighting compliant as you're probably aware. So getting back to your question of what would we suggest, I would suggest a more open iron picket type fencing, pedestrian scale as a perimeter fence around that.

Mr. Gallina – It just depends if you're trying to create privacy for the patio or an open feel. I would certainly support a more open iron fencing. Maybe something with a feature of a scalped kind of top that just adds a little interest.

Mr. Finley – The fence we are showing, I don't know if you can see it but there is a planter behind it that would screen. That was part of the landscape questions, what would we put in the planter. I responded that they are short grasses and annuals. It's not meant to be a 6 ft tall hedge. We have that for privacy. We could do a picket type fence.

Mr. Gallina – Picket or iron rail, something that doesn't look like a wall.

Mr. Finley – For the brand to approve it, it would probably be a flat top, pretty modern looking but picket we could probably get. I could send the minutes to them where you state the Town prefers this to that wall. Most of the code compliance had no comments that really pertained, it was more affirming that we have everything ok. Landscape comments we addressed those unless someone had questions on what species Bristol will have next year, I really can't define it much more than that.

Mr. Logan – I think we look to have native species of plantings around all of the bldgs.

Mr. Finley – Well next to a 90 degree parking lot, we're going to be going more with grasses. The one I specified is a draught tolerant decorative grass and the annuals will be more the kinds of things you see at beaches and things that are more succulent that can survive. We are keeping the 3 trees because we really do need the shade.

Chairman Dianetti asked Mr. Finley to point to the location of the outdoor grill that was referred to in the application material. Mr. Finley pointed the location out.

Mr. Finley – What we do is have a gas grill so if they want to have something, they buy it...it's not a gift shop, it's a treat shop we call it where we can sell different food they can chop and bring in and go out and grill. Then we have a fire pit and we're going to go to a rectangular shape. We just started doing outside spaces two years ago in Geneva and we get good reviews on it and every place we go we're seeing more and more of it. So we're actually putting a front door in here. Right now that's a two story window but coming right off of this breakfast area, we can have guests go in and out, sit outside. I hope that we've answered everything that we can so that we can have action tonight.

Ms. Evans – I just wanted to ask the Board for a consensus on the roof. Are you okay as proposed?

Mr. Logan – I don't have a problem with it. It's a flat roof versus the pitched roof that is there. I'm a little puzzled why they would want to change it.

Ms. Anderson – It slopes, it's not flat.

Mr. Logan – Well it doesn't really appear that way on the drawing.

Mr. Finley – It's probably like a 1:12, it's a pretty shallow pitch.

Mr. Gallina – It seems like another expense but....

Mr. Finley – I'm not going to disagree but when you have a franchise license, you have to do certain things.

Ms. Evans – I've also noted in the on going conditions, #3 should the Board desire to consider this resolution, I just added a sentence that the building design shall be consistent with the architectural landscaping details as shown on elevations and added as discussed at the January 10, 2017 Planning Board meeting. Then I added an additional condition; the patio fence shall be revised to reflect a cast iron and/or picket fence. Is that accurate?

Mr. Logan – The drawing does show 4" board on board or picket fence.

Ms. Evans – So cast iron and/or picket fence would be appropriate?

Mr. Finley – It probably won't be cast iron, it will most likely be black aluminum.

Ms. Zollo – I think you describe it as wrought iron look alike and that is more accurate than just saying metal because goodness knows what we could get.

Mr. Logan – Ornamental metal fencing.

Ms. Evans – So you want it to read ornamental metal fence?

Ms. Zollo – No, wrought iron because that’s what I think Joe and Al are talking about. The spindles are black metal that is a wrought iron look fence.

Ms. Evans – Wrought iron or look alike picket fence. Then all lighting including pillar and/or additional patio lighting shall be down cast, dark sky and code compliant.

Chairman Dianetti once again asked for public comment and there were none. The public hearing was closed.

RESOLUTION

On motion made by Joe Logan, seconded by Al Gallina

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

1. A Site Plan application was received on November 1, 2016 by the Secretary of the Planning Board entitled Holiday Inn Express Patio and Port Cochere Upgrades.
2. It is the intent of the applicant to upgrade the Port Cochere and to construct an outdoor patio.
3. A public hearing was duly called for and was published in “The Daily Messenger” and whereby all property owners within 500’ of the application were notified by U.S. Mail. An “Under Review” sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on January 10, 2017 at which time the public was permitted to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The Conservation Board reviewed the project on November 22, 2016 and had no comments on the data that was presented.
7. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
8. On December 14, 2016 Ontario County Planning Board referred the application back to the referring agency as a Class 1.
9. The application was referred to Zaretsky and Assoc and all comments in a letter dated November 29, 2016 have been addressed.

10. LaBella Associates reviewed application and had no comments to address.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 10, 2017 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Holiday Inn Express Patio and Port Cochere Upgrades 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 Indus Main Street Fishers; Kip Finley Site Plan entitled Holiday Inn Express – Victor Patio Plan and Rendered Perspective – Porte Cochere drawn by HBT Architects dated October 31, 2016 received by the Planning Board November 15, 2016 Planning Board Application No. 34-SP-16, 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 November 4, 2016 be addressed.
3. That the patio fence shall be revised to reflect wrought iron look alike or picket fence.

Ongoing conditions:

1. That all lighting including pillar and/or additional patio lighting shall be downcast, dark sky, and code compliant.
2. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
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.
4. The building design plan shall be consistent with the architectural/landscape details as shown on the elevations, entitled Holiday Inn Express – Victor Patio Plan and details as shown for the perspective Porte Cochere drawn by HBT Architects dated October 31, 2016 received by the Planning Board November 15, 2016 dated October 31, 2016 amended as discussed at the January 10, 2017 Planning Board meeting.

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

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| Jack Dianetti | Aye |
| Joe Logan | Aye |
| Ernie Santoro | Absent |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 4 Ayes, 0 Nays

SEQR DELIBERATION

FISHERS RIDGE - Findings Statement deliberation

St Route 96

Appl No 21-SP-07

Owner – The DiMarco Group

Acres – 96 acres +/- Zoned – Commercial /Light Industrial

SBL# - 15.00-2-77.000

The DiMarco Group on behalf of Rowley 96, LLC is requesting to develop a mixed use project on approximately 96 +/- acres located northwest of Lane Rd and northeast of NYS Route 96. The project includes several phases of development. Phase 1 is anticipated to consist of a 132,200 sq. ft. retail sporting goods store, Bass Pro, with a 17,400 sq. ft. restaurant, installation of the stormwater management system, construction of access road and installation of utilities. The property is zoned commercial/light industrial and within the Route 251/96 Overlay District.

Currently pending before the Board is the development of Phase 1, however the State Environmental Quality Review process requires the Board to evaluate the potential impacts for the entire project. Later phases are proposed to include a hotel, a mixed-use town center, multi-family residential complex and several outparcels. The proposed project includes associated site improvements including a combination of underground and surface parking. The Planning Board received a revised draft environmental impact statement on December 22, 2014. The draft was deemed complete on May 12, 2015. A public comment period was initiated on May 12, 2015 and closed on July 17, 2015 which included a public hearing on June 23, 2015. A proposed final EIS (Environmental Impact Statement) was provided to the Planning Board on August 23, 2016. The board held advertised workshops prior to Planning Board meetings on September 13th, September 27th, October 11th, October 25th, November 9th, and December 6, 2016. A revised document based upon direction from the Board at the previous five workshops was distributed on November 30, 2016. The Board directed its consultant to make additional revisions at the December 6th workshop. The proposed FEIS (Final Environmental Impact Statement) was deemed complete at the December 20, 2016 Planning Board meeting. The Planning Board will be deliberating on the Findings Statement tonight.

Chairman Dianetti asked Mr. Colucci if he had any additional comments to make that weren't made at the workshop held prior to the meeting.

Mr. Paul Colucci from the DiMarco Group – I know that after we left, you deliberated under attorney/client privilege and I think what's important is that the workshops and the time that we spent working towards the FEIS (Final Environmental Impact Statement) I thought showed the balance of all of the pros versus the cons of the project and what you adopted on December 20th recognized that the balance was achieved and that the project as examined by the Board during the review and the adoption of the FEIS resulted in what was perceived, at least on our part, overall balance in favor of pros versus cons that while there are some environmental impacts that we can not mitigate, we have done so to the maximum extent practicable. I think that's what SEQR requires you to do.

There has been discussion and dialog throughout the workshops regarding scaling the project back and we offered information that was incorporated into the FEIS that described why the project balance and the components are necessary as proposed to achieve both a financially viable project and one that achieves the overall benefits that push us to that pro side of things. To scale back the project doesn't necessarily mean that I can then mitigate the impacts that are currently...the traffic impacts that we can not mitigate, I don't believe that changes anything. The two unavoidable impacts are Main Street Fishers and the Village of Victor. Scaling back the project doesn't mean that those unavoidable impacts are now not impacts. So to get caught up in this scaling back, really pushes us to two negative conclusions; 1) the project is not going to achieve benefits that it so desires and 2) we're still going to have the unavoidable impacts.

At this point, you've accepted the FEIS and you're now really charged under SEQR adopting the Findings. What you deliberate on is obviously the duty of the Planning Board. I'm sensitive to some of those decisions because it obviously impacts the overall future of the project. But I think we've had all of the discussions that we're going to have relative to that. If there are questions that you have specifically that you guys covered while I stepped out, I'm happy to try to answer. But I think working with the consultants and working through those workshops was really instrumental in getting all of the information incorporated into the FEIS that you've already accepted.

Chairman Dianetti asked the Board for questions or comments. Mr. Gallina had none.

Mr. Logan – I am concerned that Ernie (Santoro) is not here and able to deliberate with the rest of us.

Ms. Zollo had no comments.

Chairman Dianetti – Do we want to continue this discussion and debate without Ernie here?

Mr. Gallina – I think it would be good given the impact and the scope of this project to have the full Board. If we could achieve that at the next meeting, I think that would be prudent.

Mr. Logan – I don't think that we should be acting this evening without Ernie but at the same time we have Jennifer (Michniewicz) whose traveled from Buffalo. I don't know if there is anything she can put on record. Jack if you'd like to summarize the discussion we had.

Chairman Dianetti asked Ms. Evans to summarize.

Ms. Zollo – I have nothing to add to what we discussed upstairs.

Ms. Michniewicz – I don't think that I have anything specific to add tonight. I think that everything that I've had to say, I've said in previous work sessions and previous meetings.

Chairman Dianetti – I think we have a very clear picture of what the traffic impacts are and the determination we are trying to make is whether or not they have been mitigated and the benefits outweigh the negatives. That's where most of the deliberations hang right now. I'll let Katie give a little more detail. One thing that I would like to say is that the workshops were open meetings, the public was there to listen to the discussion tonight. We did go into an attorney/client privilege session afterwards to get some explanation to the law and we discussed it a little further. Just so everyone here knows what took place.

Going forward, there will be more public discussion. We would like to have the full Board here. It's very likely that it will take the full Board to come up with the decision.

Ms. Evans – So verbatim meeting minutes are taken and typed for the public workshops and they are all available on the Town's website. The Board approved the last set just this evening. So all of those are posted and available and Cathy will type up this evening's as well. We have them to reflect upon and the applicant has them also.

In summary, we started the workshop with the Board deliberating the Finding Statement. The Findings Statement is intended to be conclusionary where as the FEIS deliberates the facts. So to capture what one of our other consultants, Mark Tayrien said, we have all of these facts, now what. Initially Al kicked off the discussion identifying the alternatives that were examined which included but not limited to scaling back the density of the overall proposed development. Secondly, brought up the significant adverse impact of traffic and what does that mean. The Board went through a thoughtful discussion about those two items. There was discussion as to what happens in the no build situation. Essentially, as indicated in the proposed Findings Statement, if the Town were to essentially not consider any additional approval, the development is likely to jump the Town line and Victor will receive all of that traffic regardless. So if the number one concern is traffic, doing nothing is not going to alleviate that except we wouldn't get the sales tax revenue as a result of that.

So the Board went through a discussion of balances; there was discussion on how it relates to the Comp Plan, how it relates to planning of the community as a whole. There was also discussion relative to statistics of salary for the proposed jobs anticipated of this development as well as the available residential rental prices.

So really the conversation surrounded whether the Board is okay with the document; are there some changes to be made or would the Board like it written in a different fashion. The take away that I had is that you're missing one of your Board members and you need his input to decided essentially what you want to do with this draft document.

Going back to traffic, Jennifer for your reference, the Board talked about Main Street Fishers and the Village intersection and essentially if this development didn't occur, at what point would those intersections be dysfunctional. Do you have anything to add to that?

Ms. Michniewicz – For example within the study that they did at the Route 96/Main Street Fishers intersection the build with mitigation they are planning which is basically adding those lanes and doing some signal timing adjustments, the level of service at Main Street Fishers is

overall a D, without the mitigation, it's an E and the no build is a D. So overall level of service at Main Street Fishers is relatively the same under the build with mitigation versus the no build out in 2022 knowing what they knew at the time of the traffic study.

Mr. Logan- When you say 2022 is that full build out?

Ms. Michniewicz – Full build out of the entire site. For example, the level of service of the left turn lane on Main Street Fishers goes from a D under the no build to an E under the build mitigation. So there is some degrading of the signal.

Mr. Logan – That's not technically failing?

Ms. Michniewicz – No not technically in the purest sense, F is failing. The delay overlooking it, the most delay would be 70 seconds on one of the legs of the intersection. For example the south bound right delay is 7 seconds. So it's an overall capture of the intersection.

Chairman Dianetti – 2022 takes into consideration the approved but not built projects in that same area on Main Street Fishers? (Yes) All the development?

Ms. Michniewicz – At the time this study was done and off the top of my head 2011 was one and there have been periodic updates. But they added in, if you recall when we were talking about Conserve, they had a complete and total grasp of what was on the table and their growth rate was in the .5 range. Fishers Ridge is in the 2.5 range to account for all of those other unknowns. This analysis also includes that other parcel, the 35 acres as part of SEQR that isn't necessarily on the plans right now.

Ms. Evans – For clarification, the residential zoned piece adjacent to Lane Road.

Ms. Michniewicz – Within the Village, Route 96 at High Street, no build 2022, level of service C, build and build with mitigation level of service F. Route 96/School Street, no build D, build and build with mitigation are both F. Route 96/Maple no build C, build with mitigation are F.

Ms. Evans – I think at this point unless the applicant has any other closing thoughts, perhaps the Board should table the discussion for now and revisit it on the 24th.

Mr. Colucci – I just had a few other comments that were in the Draft Findings Statement that I'll pass along to your consultants and you Katie. We covered most of the material ones but just minor comments.

Ms. Evans – Jennifer caught a few as well like Page 11, #1 should be 150 ft and not 45 ft. Then there are a couple of others and for the Board's reference this is on the Chart that was passed out this evening. They are fairly minor in nature. The one that I think is important and we're putting on record is to note for the archeological monitoring, its documented in the updated Findings that any deep hole testing or any geotechnical analysis would require monitoring if it's within a monitoring area. So that was a new addition and was caught through due diligence before this evening. Any other thoughts from the Board?

Chairman Dianetti – I just want to ask the Board members if they concur with tabling this until the next meeting. *All the Board members in attendance agreed to table Fishers Ridge until the next meeting.* Okay, we will be bringing this up at the next meeting and hopefully Ernie will be here and we'll have a full Board to review and come to a decision.

Chairman Dianetti asked if there was anyone in the audience that would like to comment on anything that was on the agenda this evening. There were none.

Motion was made by Joe Logan seconded by Al Gallina RESOLVED the meeting was adjourned at 8:55 PM.

Cathy Templar, Secretary