

A regular meeting of the Town of Victor Planning Board was held on January 12, 2016 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; Ernie Santoro, Heather Zollo, Al Gallina

OTHERS: Katie Evans, Director of Development; Cathy Templar, Secretary; Silvio Palermo, Town Board Liaison; Kate Crowley, Conservation Board; Kent Kiikka, John Palomaki, Tom Shepard, David Hou

### **APPROVAL OF MINUTES**

On motion of Ernie Santoro, seconded by Heather Zollo

RESOLVED that the minutes of December 1, 2015 be approved.

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

Approved 5 Ayes, 0 Nays

On motion of Heather Zollo, seconded by Joe Logan

RESOLVED that the minutes of December 15, 2015 be approved.

Jack Dianetti	Aye
Joe Logan	Aye
Ernie Santoro	Aye
Heather Zollo	Aye
Al Gallina	Abstained

Approved 4 Ayes, 0 Nays, 1 Abstention

### **CORRESPONDENCE RECEIVED**

- Marsha Senges re: The Drumlins

### **BOARDS/COMMITTEES UPDATES**

Town Board reported by Silvio Palermo

- At the 12/28/15 Town Board meeting we approved the creation for two full time positions for the Town of Victor Planning and Building Department which will consist of one building inspector position and one code enforcement officer position. There is definitely a staffing demand for these positions.
- As the Liaison of the Historic Advisory Committee, at our meeting last week the committee made a request to increase their communication and participation with the various boards. They requested having a committee member be assigned as Liaison to the Planning Board, Conservation Board, and Zoning Board of Appeals. They would like to have a chance to give the boards a report at the beginning of the meetings and be on hand to answer any questions should the need arise. I brought this up at last evening's Town Board meeting and the rest of the Town Board members did not have an issue with this as long as it is accepted by the various boards. So as long as the Planning Board does not have an issue with this, I will advise the Historic Advisory Committee at our next meeting on 2/3/16 and give them the green light to assign their members.

Chairman Dianetti – I did have an opportunity to speak to the Town Board last night and indicated that we have taken steps to open up the channels of communication between the public and the committees and the Planning Board. Maybe Katie can give us some background on the actions that we have taken regarding site plan approvals, etc. and the opportunities that are available to the public to comment at public hearings and other items that are on the agenda.

Ms. Evans – August 11, 2015, the Town Board passed a local law revising town code to require public hearings for all site plan applications to make it consistent so that every type of application made to the Planning Board for subdivisions, site plans, special use permits would trigger a public hearing. Along with that we have also amended the town code to notify all property owners at a minimum of 500 ft and then post an under review sign on the subject's parcel.

These are all attempts to provide notification to people who are interested in agenda items. After a discussion with the Planning Board, they also allowed public comment for every agenda item. So there will always be an opportunity to provide public input on an agenda item. Written comments are always welcome until the Board passes a resolution. Comments are requested to be sent to the Planning Department the Wednesday before the scheduled meeting so that they can be provided to the Board members for their review prior to a meeting.

Mr. Logan – Is that direction going to be obvious to the public? Maybe on line so when they look at the agenda, they see that written comments need to be sent the Wednesday before a Planning Board meeting.

Ms. Evans – Yes, in fact Ernie and I had talked about providing the Board with a draft of the procedures for your review and then to adopt them and actually place them on the website and make them available to the public who may not be familiar with our process.

Mr. Logan suggested having a standard statement on the agenda about when to have written comments into the Planning Office.

Mr. Palermo – Does anyone on this Board have an objection to the Historic Advisory Committee giving a report?

The Board was in favor of the Historic Advisory Committee giving a report at Planning Board meetings.

Ms. Zollo asked about the additional positions being hired in the Planning and Building Dept.

Mr. Palermo – Yes, 1 Building Inspector and 1 Code Enforcement Officer

Ms. Evans – One is new and the other one is making a part time position into a Civil Service position. It's really clarifying our department. Also, many months ago, the Town Board passed a resolution authorizing us to hire a part time Clerk for the Building Division. So there are two positions; Code Enforcement Officer and part time Clerk. They have been advertised and we've received many applicants and I am meeting with Tina (Kolaczyk) to go through the submissions and interviewing next week.

Ms. Zollo – So you just approved the positions, the hiring is yet to come. Also, sometime ago, you appointed someone to represent the Town at the Ontario County Planning Board. Is there a requirement that this person attend these meetings because I don't think that I've seen him at any of our Planning Board meetings?

Chairman Dianetti – He approached me about attending the meetings. We can definitely have him come.

Mr. Logan – Quite honestly John Palomaki used to report at our meetings. I guess we sort of expected that if there was a relevant item....

Mr. Palermo – Of course, if there is something associated with Victor.

Mr. Logan – I personally don't have a problem if he forwards a note saying there is nothing to present, do you still want him at the meeting.

Mr. Palermo agreed with Mr. Logan.

Ms. Zollo – And if there is something that he needs to hear us discuss before he goes to the County Planning Board so that he knows where we stand.

Mr. Palermo agreed and stated they would get in touch with him.

Conservation Board had nothing to report.

Chairman Dianetti asked John Palomaki who was in the audience if he would like to report on anything.

Mr. Palomaki – I was invited to be a guest at the County’s last meeting in December. We were asked how we wanted to see the County developed and what we wanted to be educated on. I brought up what we did many years ago, preserving historic resources. The other thing I brought up was sustainability.

One of the things that were mentioned in the meeting was the County’s concern about the railroads in the area, especially west of Victor along Route 96. You can see the encroachment of housing development along the railroad. They are very concerned on a County level that the encroachment of the railroad property or of building too close to it, that it is going to have an affect in the future that we may lose our railroad services.

Mr. Logan – Are you saying they are building too close to the railroad right of way? (Yes) The development that you’re talking about is Auburn Creek, are you saying that is too close to the railroad?

Mr. Palomaki – If you drive on Route 96 and look to your left, you can see it right next to the railroad.

Mr. Logan - Because there are no leaves on the trees but the buildings right along Route 96 are a lot closer to the railroad than those houses are.

Mr. Palomaki – We have a major industry in town, Victor Insulators that uses the rail service a lot and they come from the east side. The east side is over developed and crowded and it’s going to have an affect on it.

Mr. Logan – Is it over developed on the east side?

Mr. Palomaki – No, not yet but the concern is that it may be. This is something they wanted to have the Planning Board give some consideration to.

Mr. Logan – Is that somehow codified in our Comprehensive Plan or our Building Code that says that we have to relook at that and see if we need a bigger off set to the railroad?

Mr. Palomaki – It might be a good idea.

Mr. Logan – I guess I would be interested if there is a concern about that. To get some recommendations by County Planning for what they are expecting would be a good offset or if there are standards that we might consider looking at. I’m having a hard time seeing what the concern is right now but I don’t know how close the properties are and how development is going to get that close to the railroad. There’s one on Plastermill Road.

Ms. Zollo – Are they concerned more about residential encroachment than commercial?

Mr. Palomaki – Maria didn't say anything specific. I'm on the Board of the ---Railroad and we're going to be having our annual meeting sometime in February and we're inviting Maria from County Planning to be our guest speaker. She is going to be talking about the railroad corridor. As soon as I get the information, I'm inviting everyone on the Planning Board to come to our annual meeting.

Chairman Dianetti – Is the concern more about the development encroachment because they may want to expand the railroad for transportation in the future? (Yes) That's a little different than building too close to the railroad because it's not a good thing for the people or businesses moving in. I'm just understanding that the rationale behind this is important too and that seems to me it's more to preserve the potential for the railroad to widen or expand or improve. Would that be a fair statement? (Yes)

Mr. Logan – I'd like to see her frame the question; what are the concerns. If we're assuming it's because the houses are too close and she's assuming that we don't want to build too close to the railroad because we can't take advantage of the railroad, that's two different issues. The other thing that we've talked about regarding that railroad corridor is utilizing it some day to add the additional street capacity for getting south of the town/village. That's one thing that has been discussed in the Comp Plan as a transportation initiative.

Chairman Dianetti asked the Planning Board members if there were any concerns they might have on development that is taking place in the community or any observations they may have.

Mr. Logan – I have a comment about Rawson Road, the soil berm that we talked about. It looks like they have a lot of equipment there but I haven't seen them move any topsoil off of it. Maybe if the code inspectors could take a look at that and see what their plans are. I know they are doing a lot of work at the Chevy dealer and I think that fill was supposed to go to Rawson Rd.

Ms. Evans – You had asked them to scrape the topsoil back, right?

Mr. Logan – If you take that footprint all aside, berm it or stock pile it, put your fill in and then bring all of that original fill back, the topsoil, and flatten out the sides so you don't get the erosion and can get something to grow in the spring when they are done.

Ms. Evans – They have not started trucking but they are prepping for it. I will follow up on that.

Ms. Zollo – I thought awhile back it was mentioned about the signs that keep popping up around Eastview Mall area, across from the mall at the K-Mart Plaza and Rainaldi's. There are all kinds of little flag signs and available signs. There are just signs all over the place and I don't think they probably got permits for most of them. If code enforcement could keep an eye on the sign problem, that would be helpful.

I also brought up about several lights in front of Bed Bath and Beyond where the light bulbs sag below the shades. They are supposed to be full cut offs, they have never been full cut

offs. I've brought this up numerous times that when you are driving by there, it's blinding because the bulbs sag below the shades. If they could take a look at that, I'd appreciate it.

Mr. Santoro – There is a lot of truck traffic on Modock Road in front of my house and it frequently exceeds the speed limit. There was one this morning that went by and I know he was exceeding the speed limit going and coming back. Maybe in our future approvals, we should mention that.

Ms. Evans – Understanding that Code Enforcement has no authority over the speed limit.

Mr. Santoro – No, but the Sheriff does.

Chairman Dianetti – The only observation that I've noticed is they are cutting the hill on Route 96 behind Victor Chevrolet and it looks like they are getting ready to start.....

Mr. Logan - ....They cleared it, they took all of the trees and everything.

Chairman Dianetti – So there is quite a bit of activity going on there. So that will probably start before too long.

Planning Board reported by Cathy Templar

- January 26<sup>th</sup> meeting
  - Public Hearings:
    - Mark's Pizzeria requesting to be located at 6499 St Route 96
    - Verizon Wireless located at 701 High Street
  - Tabled items from December 15<sup>th</sup> meeting
    - Drumlins Section 3 Phase 3
  - Victor Community Church located at 7500 St Route 251 - site plan modification for water service

Mr. Logan asked if we would have legal council look at the background for Drumlins for the sidewalk issue that was brought up by Marsha Senges.

Ms. Evans stated she would get an opinion from council for the Board.

Ms. Evans - We've spent quite a bit of time looking at past minutes and will get that formal opinion. I ask the Board to keep in mind what is pending before you today. We're looking at Section 3, Phase 3. If you were to require sidewalks in this section, where would they lead to? Some things to keep in mind as you review your documents.

PUBLIC HEARING

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

The legal notice for the public hearings appeared in “The Daily Messenger” on January 5, 2016. Post Cards were mailed to property owners within a minimum of 500 ft from location of each application along with “Under Review” sign given to applicant to be posted on the subject’s parcel.

The public hearing was opened for the following application.

THOMAS SHEPARD  
178 Miles Cutting Ln,  
Appl No 40-SP-15  
SBL # 5.01-1-36.160                      Acres: .9

Applicant is requesting to construct a 10 x 12 shed located in the Limited Development District area. This is the first time this application is before the Board.

Ms. Evans read the description of the application.

Mr. Shepard – I’m requesting from the Board to be able to get a permit to place this pre-built shed from Woodtex. It’s a 10x12 ft shed.

Chairman Dianetti – If this wasn’t in the Limited Development District it wouldn’t require you to come before the Planning Board.

Chairman Dianetti asked for public comments and there were none. The public hearing was closed.

Mr. Santoro – It’s very straight forward and as you said, it wouldn’t be here if it wasn’t in the Limited Development District.

Ms. Zollo –Our Conservation Board asked to show the limits of disturbance.

Mr. Shepard – I assume they would just take it up the driveway. There is a little hill and then there is a flat spot where I show the X.

Ms. Zollo – So no tree removal, no moving of soil? They are just going to put it right down.

Mr. Shepard – That’s the plan.

Mr. Logan and Chairman Dianetti had no comments. Chairman Dianetti asked Kate Crowley from the Conservation Board if she had any questions.

Ms. Crowley – Joe Limbeck (Chairman of Conservation Board) and I visited the property. What we observed as you walk to the back of the turn around, there is a 6 ft change in elevation. The only other observation that we made is that there are mature evergreens on site and that was why we asked about the limits of disturbance on the site. If there was any digging or anything other than cinder blocks and placing the shed on top, Mr. Shepard would want to know that those mature evergreens are very shallow rooted.

There were no other comments.

### SEQR RESOLUTION

On motion made by Heather Zollo, seconded by Joe Logan

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 12, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Thomas Shepard's Shed will not have a significant impact on the environment and that a negative declaration be prepared.

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

Approved 5 Ayes, 0 Nays

### RESOLUTION

On motion made by Al Gallina, seconded by Ernie Santoro

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

1. A site plan application was received on December 8, 2015 by the Secretary of the Planning Board entitled Thomas Shepard's Shed.
2. It is the intent of the applicant to construct a pre-built Wood-Tec 10x12 shed which is located in the Limited Development District.
3. A public hearing was duly called for and was published in "The Daily Messenger" on January 5, 2016 and whereby all property owners within 500' of the application were notified by U.S. Mail.
4. The Town of Victor Planning Board reviewed the Unlisted Action on January 12, 2016

and identified no significant impacts.

- 5. The Conservation Board reviewed the application at their January 5, 2016 meeting and requested that the limits of disturbance be indicated on the plan.

NOW, THEREFORE BE IT RESOLVED that the application of Thomas Shepard, entitled Thomas Shepard’s Shed dated December 8, 2015 received by the Planning Board December 8, 2015, Planning Board Application No. 40-SP-15, 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 be addressed.
- 3. That the applicant receives a building permit from the Building Dept.

**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.

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

Approved 5 Ayes, 0 Nays

There were no other discussions

Motion was made by Ernie Santoro seconded by Heather Zollo RESOLVED the meeting was adjourned at 7:35 PM.

Cathy Templar, Secretary