

A regular meeting of the Town of Victor Planning Board was held on January 24, 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; Ernie Santoro, Heather Zollo, Al Gallina

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; Robert Klein, Gerald Sensabaugh, Mike Kauffman, Lee Wagar, John Sciarabba, Dave Nankin, Jesse Karp, Babette Huber, Joe Shussarie, Richard Evans, Ashley Champion, M Warner, M Warner, Craig Antonelli, Ted Kidd, Ann Aldrich, Marsha Senges, Mauro Polidori, Pat & Len DiGristina, Paul Colucci, Tom & Crystal Wager, Ed Parrone, Car Hewings, Liz Cameron

CORRESPONDENCE RECEIVED

- Chip Testa regarding Fishers Ridge

APPROVAL OF MINUTES

On motion of Al Gallina, seconded by Joe Logan

RESOLVED that the minutes of January 10, 2017 be approved.

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| Jack Dianetti | Aye |
| Joe Logan | Aye |
| Ernie Santoro | Abstain due to being absent at the 1/10/17 mtg |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 4 Ayes, 0 Nays

On motion of Heather Zollo, seconded by Joe Logan

RESOLVED that the minutes of January 10, 2017 Fishers Ridge workshop be approved.

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|---------------|--|
| Jack Dianetti | Aye |
| Joe Logan | Aye |
| Ernie Santoro | Abstain due to being absent at the 1/10/17 mtg |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 4 Ayes, 0 Nays

BOARDS & COMMITTEE UPDATES

Town Board reported by Silvio Palermo

- Mike Stockman from Parks and recreation at last night's TB meeting reported that bids will be going out to replace the box rink located at the Dryer Road Park as it is aging and in need of repair. They would like to see this project completed and have the box rink opened for use by May.
- Parks and Recreation Fee Increase PH set for 2/13/17 – Public Hearing was set at last night's TB meeting to increase the Parks and Recreation fee for new construction. The current fee is \$1500 and the recommendation by the P&R citizen advisory committee supported by their TB Liaison Councilman Tantillo is to increase the fee to \$5000.

Town Historian Babette Huber

Good evening. I've come to you tonight to share a draft of a Demolition Delay Process. You should have all gotten this in your packet. In the packet are the rationale and a flow chart of a demolition process that the Historic Advisory Committee and myself and our Town Attorney David Hou have been working on for several months. Within the Comprehensive Plan there is a chapter concerning the importance of preserving cultural and historic resources in our community and also making informed decisions relating to those resources. The Town has completed a historic inventory where hundreds and I mean hundreds of structures were categorized by the Landmark Society into *High Historic Importance, Medium and Low Historic Importance*. The Comprehensive Plan then refers to using this information among other things to develop code provisions and guidelines.

It is for a process in which there may be a demolition delay concerning specific historic structures. I am asking for input from you, the Town Board and also Katie Evans and the Historic Advisory Committee and I'm already working with David Hou. Katie and I are also working on changing the demolition permit itself because at this time, it doesn't make applicants aware that if they are about to demolish an historic structure, that the recommendation comes from me (as the Town Historian) to the Planning Board and then the Planning Board makes that decision. I thank Katie again for bringing *all* the demolition applications to my office.

This demolition delay process is a process. We don't have a specific process in place at this point. It would follow a specific procedure and you can see that on the flow chart. It will *not* eliminate demolitions and I want to make that perfectly clear, *it will not eliminate demolitions*. It's a process to seek out alternative preservation solutions especially with High Historic Importance structures.

The draft is in this packet and I'll entertain questions now. What I'd like to be able to do is get any input that you have tonight or send it to me via email. Then along with the input from

the Town Board, the Zoning Board of Appeals, the Planning Board and my committee, I'll come back again and give you an update and work through the process of changing this. Questions?

Mr. Logan – I did have a question and thanks for doing this. You have on the flow chart a “yes” from the very first box. If it's a “no” and it's not necessarily listed on the Town's Historic Resource Inventory, have you ruled out anything else in the Town as being historically important?

Ms. Huber – Right now we're going to work with this Historic Resource Inventory and there are about 100 bldgs that are listed as High Historic Importance and then there's more Medium and more Low. All of these bldgs are 50 years or older, that's the criteria. Now again, I have a caveat if a building obviously is of Highest Historic Importance but it's not safe via the structure or for health reasons, that's not going to be saved.

Mr. Logan – So your list includes bldgs on the Town's record as 50 years or older. So once it's on that list then it goes through this process.

Ms. Huber – If a demolition application comes in, like Mr. Polidori, he isn't going to demolition this building on Victor Egypt Rd which is of Medium Historic Importance. If he were to do that and if we had this process in place, it would still come to you for a recommendation, it's still going to be up to the Planning Board to make that decision. But at least this process would say stop and let's see if we can do something with that building before you go in with a bulldozer. That's pretty much all it is, let's stop and wait.

Chairman Dianetti – So my question is who funds this?

Ms. Huber – That's a very good question. It would be up to the Planning Board. If the Planning Board says that we'd like that structure moved and be part of your development, then I would assume the developer would have to pay for it. If the applicant says they don't want that building but Mr. Smith does, then I would assume that Mr. Smith would have to pay for that. It's a work in progress.

Chairman Dianetti – I'm just saying that the funding should be part of the transition process. The delay is to try to find someone that is willing to do that.

Ms. Huber – Right and David Hou has said that there really isn't anything anywhere in the area. You're going to be the first ones to do this. The cities have this type of process in historic districts. We don't have historic districts but it's just a stop, let's listen and see if something can be done to save this building. It would be specifically for the Most Historic bldgs in our Town.

Mr. Santoro – Where can one find this list?

Ms. Huber – That’s another good question. We have just finished that list and that will be given to you. I can go upstairs and get it and give it to you tonight. The bldgs are listed by road and then if you want a list by high, medium and low just shoot me an email and I’ll put it in your mailbox.

Mr. Logan – So is this something that the community can access on line?

Ms. Evans – Within our 2017 Planning and Building Department budget as an effort to implement the Comprehensive Plan, we’re working on web based mapping. I’ve actually provided the list that Babette shared with me to LaBella. So we’re in the process of getting that system under way. If for whatever reason, this system ends up taking longer than we are anticipating, I can give it to Ontario County and get it on OnCor.

One other comment, the intention of this as Babette mentioned is to really hit the “pause” button to see if there is anyone interested. So one question I had was how do we get the word out? One idea that I had was to create an email distribution list so folks that are interested in historic preservation, give us your email address and we’ll copy you on future agendas that include demolition reviews.

Mr. Logan – Is the list also broken out in high, medium and low importance?

Ms. Huber – Right and if you want that list, shoot me an email and I’ll get that to you. Tonight I can give you the list by road. I think the other important thing to note is we want to be transparent and want to make life if possible, easier for developers who want to come into Victor, they want a piece of property but it does have an old structure on it. Let’s see what we can do with that structure before you get too far into the process.

Ms. Zollo – So my understanding is it’s going to be a dialog between you and the Historic Advisory Committee and our Board and community members, the owner and the developer to try to come up with alternative?

Ms. Huber – It would be at a public hearing. That is what we thought would be the best approach is to have a public hearing. It’s going to take a while for this to get started but I think it’s a positive approach.

Ms. Zollo – Absolutely

Mr. Gallina – Just a couple comments. One might be to rename it to something like the Demolition Request Review Process. That sounds more positive than a Delay Process, that has a

negative connotation. Then where you have the flow chart that drops out that says “subject to demolition delay process or review process”. Below that I would actually detail what’s verbalized on the front cover that says it’s a public hearing, options are considered, Planning Board deliberates, Planning Board decides. Then there is the whole process that starts and ends.

Ms. Huber – Thank you

Chairman Dianetti – I would guess that the Planning Board is unanimous in supporting your efforts coming up with a process and plan to protect our historic structures and we’ll do whatever we can to assist and advise you on the project. Anyone disagrees with me now is your chance to say so. *The Board was all in agreement.*

Ms. Huber – Thank you

Chairman Dianetti – Thank you for all of your effort Babette. I know that you’ve worked very hard on this.

Planning Board reported by Kim Kinsella

- February 14, 2017 meeting
 - Leonard Sharp from Fisher Circle Rd to construct a shed
 - David Riedman requesting to demo a house on Co Rd 41
 - Mobile Graphics to construct an expansion at 7120 Lane Rd
 - Robert Brostek from Co Rd 41 to construct an expansion on a barn
 - Michael Angell from Co Rd 41 to construct a barn
 - Victor Crossing regarding signage
 - Victor Crossing modification of 2006 FEIS

Chairman Dianetti stated that the Conservation Board will comment when applications come up on the agenda.

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.

REGAL CINEMA MARQUEE SIGN

70 Eastview Mall

Appl #35-SP-16

Owner: Eastview Mall LLC
Zoned: Commercial
SBL # 6.00-1-12.500

Jamie Rawleigh of Premier Sign Systems requests site plan approval on behalf of Regal Cinemas to replace the existing face of the marquee sign at 70 Eastview Mall Drive. The property is owned by Eastview Mall LLC, is zoned Commercial, and is within the Route 251/Route 96 Overlay District. This is the first time this request for this property is before the Board.

Ms. Jamie Rawleigh – We are proposing to take out the existing face on the cabinet sign that is there and was granted a variance and replace it with two new faces with translucent digital prints. They won't be the removable copy any more, this is their logo that is a national brand, this is what they are doing at all of the Regal Cinemas in the nation right now. So this is pretty straight forward. The size will be the same, everything will be the same except for the graphics on it.

Chairman Dianetti asked for public comment and there was none.

Mr. Gallina had no comments.

Mr. Logan – Is there any way people will know the movies at the theater by looking at the building any more? It looks like you're just wrapping and it's not back lit?

Ms. Rawleigh – It will still be lit up. It's going to be the same type of face, it's called a flex face or an acrylic face. So that will just have vinyl graphics on it. So it's still going to light up but it's not going to list the movies. Most people go on their phones now to look at movies. It's very rare to drive by a movie theatre to see what's actually playing. I think that's kind of the idea with just going towards what they offer inside, what they are providing their customers once they get inside.

Mr. Logan – I guess it just a sign. You're replacing one for one but Wes do you know the square footage is permitted for that building.

Ms. Rawleigh – It's going to be the exact same size because we're going to keep the cabinet that's there. It's just going to be a new face, the same size as the existing.

Mr. Logan – I was just curious to see how it compares to the current sign code versus when it was built.

Mr. Pettee – LaBella Assoc did not review this particular application. I'm assuming the Code Enforcement Officer took a look at this to assure whether the sign was compliant in terms of size.

Ms. Evans – Code Enforcement Officer Al Benedict's comment #2 in his letter states:
The applicant had previously submitted a request for this sign that indicated dimensions of the existing sign that were larger than what was previously approved thus the sign was not in compliance with the granted variance. The applicant has provided a drawing with dimensions

that are in compliance with the granted variance (8-0 X 34-2). The applicant should be reminded if the sign is approved, that the dimensions provided shall be adhered to.

There were no other comments from the Board. The public hearing was closed.

RESOLUTION

On motion made by Joe Logan, seconded by Ernie Santoro

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

1. A Site Plan application was received on November 28, 2016 by the Secretary of the Planning Board entitled Regal Cinemas.
2. It is the intent of the applicant to replace the existing face of the marquee sign on the Regal Cinema building with new graphics.
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 24, 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 application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
7. On January 10, 2017 Ontario County Planning Board referred the application back to the referring agency as a Class 1.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 24, 2017 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Regal Cinema 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 Jamie Rawleigh of Premier Sign Systems received by the Planning Board November 28, 2016, Planning Board Application No.35-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That comments from Code Enforcement Officer dated January 9, 2017 be addressed.

Ongoing conditions:

1. The sign design shall be consistent with the details as shown on the sign elevations, entitled Regal Cinemas as prepared by CIM Network and received by the Planning Board Secretary on November 7, 2016.

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 | Aye |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 5 Ayes, 0 Nays

SUNSET MANOR
826 County Rd 9
Appl No 5-FS-16
Owner – Mauro Polidori
Zoned – Residential
Acres – 5

Land Tech Surveying and Planning on behalf of Polidori and Ferri Homes requests final subdivision approval of a major subdivision proposed to include five lots on five acres on the east side of County Road 9 just north of the thruway. Lot 1 is proposed to include the existing residence and lots 2-5 are intended for future development. The property is owned by Mauro Polidori and is zoned R-2 with a C overlay. The Board approved the preliminary subdivision at its December 6, 2016 meeting. This is the first time the final subdivision is pending before the Planning Board.

Mr. John Sciarabba from Land Tech – I'm representing Mauro Polidori this evening. As the minutes states we were here back in December and had Preliminary approval at that time. Since that time there really hasn't been any major changes to the plan. We had numerous comments from the Building Dept and Town Engineer, County DOT. We've resolved all of those issues. We do have comments from Al Benedict dated January 10, 2017 and those are down to 3 issues that are rather minor in nature.

#1) There is an existing structure on this site. It was a two family and now we are proposing a single family with an option of an in-law. So if Mr. Polidori decides to put an in-law in that structure, he has to go through the in-law requirements through the Building Dept.

#2) Al asked us to indicate the issues between the conservation easements. There are 2 conservation easements on this plan; one is a very restrictive conservation easement to protect the Federal wetland that exists along our west property line. The second one is less restrictive to allow maintaining lawn adjacent to that.

#3) Is stipulating the code requirement with the fire hydrant in it's location near Duck Hollow.

So we resolved those issues. We also received a letter from the Victor Fire Dept dated January 9, 2017 stating that the fire hydrant in its current location will work fine for servicing this lot. So I think we've resolved the issues with the Building Dept and the Fire Dept related to this project.

As you recall we also had comments from Ontario County DOT. We had an approval letter from them dated December 16, 2016 stating they are fine with the orientation and geometry of the proposed common driveway.

Lastly we worked with the Town Engineer, with Wes regarding his comments on the plan. They were very technical in nature, minor issues; lateral locations and things like that. I can let Wes speak to that. We had 15 comments that we addressed and submitted plans back to Wes, those are actually the plans you have before you this evening.

So as I said before, there really aren't any substantive changes to the plan and we're hoping that you'll grant final approval this evening. Thank you

Mr. Joe Limbeck – Good evening. The Conservation Board took a final look at this project at our January 3rd meeting. We reviewed the plans and took a look at our comments from the July 19, 2016 and August 2, 2016 meetings and found nothing further to add. All of our concerns have been addressed.

Chairman Dianetti asked for public comment and there were none.

The Planning Board members had no comments.

Mr. Pettee – We issued our most recent letter on January 19, 2017 to which the applicant has responded and they have addressed every one of our comments. We have nothing further. I would just like to review with the Planning Board the conservation easements and the language that are on the plans. I just want to be sure everyone is on the same page with what the restrictions are for the conservation easements.

Currently the most recent subdivision plan indicates as general note #9 on sheet 1 regarding the Most Restrictive Conservation Easement:

Privacy fences, chain link fences, ponds, pools, structures, storage of vehicles, play apparatus, recreational items, herbicides, & pesticides shall not be allowed within the Open Space.

This refers to both the conservation easements that the applicant spoke of.

#11 on page 1 for the Least Restrictive Conservation Easement:

The conservation easement area must be left in its natural state and should be planted with native grasses, bushes, and trees to enhance the existing hedgerow. The Town has the right to

inspect this area, on at least an annual basis, but could be more frequent if there are suspected violations. The Code Enforcement Officer will enforce any corrective measures. Conservation easement markers must be installed per the Town Design and Construction Standards.

Are there any questions or concerns on these notes? *There were no questions.*

Chairman Dianetti closed the public hearing.

RESOLUTION

On motion made by Al Gallina, seconded by Ernie Santoro

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

1. An application was received on December 20, 2016 by the Secretary of the Planning Board for a Final Subdivision entitled Sunset Manor.
2. It is the intent of applicant to subdivide 5 acres into 5 bldg lots. There is an existing 2 family house that will be converted to a single family house with the option of an in-law suite.
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 24, 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 Planning Board, as lead agency, found that there would be no significant impacts to the environment as a result of the action and a negative declaration was prepared on January 24, 2017.
7. The Conservation Board reviewed the project and a site walk took place on July 17, 2016. A field inspection took place July 22, 2016 for the inspection of the presence of a flowering plant called Marsh Valerian. During the field inspection the presence of any Marsh Valerian was not found.
8. Pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

NOW, THEREFORE, BE IT RESOLVED that the **final subdivision** application of Mauro Polidori, Major Subdivision entitled Sunset Manor drawn by Land Tech, Sheets 1 through 3, Project #16148 dated November 21, 2016, received by the Planning Board December 20, 2016, Planning Board Application No. 5-FS-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

Conditions that must be met prior to the Chairman signing the final subdivision plan:

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies of electronic files shall be forwarded to the Town Engineer to confirm that the data on the electronic files is the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for All Subdivisions (Major & Minor) of the Design and Construction Standards be met.
4. That the comments in a letter dated January 19, 2017 from LaBella Associates be addressed.
5. That the comments from a letter dated January 10, 2017 from Code Enforcement Officer be addressed.
6. That all conservation easements show placement of markers on final plans.
7. That the comments from a letter from the Victor Fire Dept be addressed.
8. That a notation shall be added to the subdivision plat to read as follows: The existing two family residence be converted to a single family residence with an option of an in-law suite in compliance with Town Code.
9. That applicant provide an agreement providing for private common maintenance and access of the driveway, satisfactory to the Town Attorney.

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

1. That the major subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the Town for all improvements to be offered to the Town for dedication. Maintenance Bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten percent (10%) of the final construction cost, as determined by the Engineer for the Town.

3. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, AutoCAD 2002, or latest version, effective January 1, 2004 (per Town Board resolution #193 of June 23, 2003).
4. That a pre-construction meeting shall be held prior to the start of construction.
5. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

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 | Aye |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 5 Ayes, 0 Nays

ANTON VALLEY
 County Road 9
 Appl No 4-SK-16
 Owner – Antonelli Development
 Zoned - Residential
 Acres – 30
 SBL# 16.00-1-53.000

Carl Hewings of Parrone Engineering on behalf of Antonelli Development Inc. requests acknowledgement of a complete application for a major subdivision consisting of 15 single family lots on a 30 acre parcel located at the southeast corner of County Road 9 and Gillis Road otherwise known as Anton Valley. The property is owned by Antonelli Development Inc. and is zoned R-2 with a B overlay. This is the first time this proposal is pending before the Planning Board.

Mr. Ed Parrone from Parrone Engineering – Good evening, I'm here on behalf of Anton Development. With me this evening is Mr. Craig Antonelli one of the officers for Anton Development and our Project Manager Carl Hewings. We're here this evening as Katie indicated in the introduction for you on this proposed project. As a preface to that, we've had meetings with the Town in a development review meeting with the Planning and Building Department as well as having a meeting with the Conservation Board back on January 3rd of this year relative to this project. This project, for the audience's sake, is located on the southeastern corner of Gillis Rd which runs along the north side of the property which you see on the map and

is bounded on the west by County Rd 9. As indicated it's approximately 30 acres and we are proposing 15 lots. It is in a R2 zone which requires 25,000 sf area for lots and 100 ft wide lots for projects with sanitary sewers and this project is being provided with sanitary sewers.

As far as utilities are concerned, we are proposing to provide gravity sanitary sewers. Sewers are along the County Rd 9 as well as the intersection of Gillis Rd. We are proposing gravity sewers for this project and I'll get into the grading in a minute and what the issues are for the sanitary sewers. Stormwaters will be provided. The road is approximately 700 ft long and as you can depict on the Concept Plan, the road will drain to a low point from the cul-de-sac and also from Gillis Road. Whereas there will be a stormwater management facility that will be located between Lots 4 & 5. There will be a stormwater management facility that will take into account a culvert coming underneath County Rd 9 as well as the rear of the lots on the west side of Anton Valley Way. They will flow through a stormsewer system to the pond across the road which is between Lots 11 & 12 which will then discharge to the existing stream that runs along the eastern property line.

As far as water is concerned, public water is on County Rd 9. There is a 12" watermain which will be providing connecting to. To the best of our knowledge Wes, we don't know if there is any water on Gillis in that area or not. Records don't indicate it but we thought there was.

Someone from the audience stated there is water on Gillis Rd.

Mr. Parrone – Thank you, we'll be connecting to water on Gillis Rd. With that I want to point out that we will be providing grading for this site and we will be importing material. As you can appreciate by looking at the contours, the property drains from west to east to the existing drainage stream and to allow and afford us to build the stormwater management as well as to provide gravity sanitary sewer, we will probably have to import somewhere in the vicinity of 40,000 to 45,000 yards of earth which we're committed to do that so A) as to and most importantly we have to drain the site properly and provide stormwater management and green infrastructure and B) so as not to have any additional lift stations, we prefer to do this with the gravity system. In the past, you know that the Town is not always enamored with lift stations because you do have quite a few of them.

We do have wetlands located on the site. Our colleagues BME Engineering did in fact locate those and they are Army Corp Wetlands. We are for the most part, not infringing on any of the wetlands that are depicted. We will be going through the proper jurisdictional determination for them. We will however, as I said early on, discharging to the existing stream that flows from south to north under Gillis Road. With that being said as one of the comments relative from the Conservation Board and we responded in a letter that we sent to Cathy dated January 18, 2017 that we tried to address all of their comments and concerns. In particular there was a concern about if we were going to do some hydrologic disturbance of the....or having issues with the ground water with the wetlands and in fact, our consultant indicates we should not have an issue with that. We will and have proposed and it's generally depicted on the plan, again this is Concept, that roughly 60' to 70' parallel to this stream is where the permanent conservation line will be depicted on the lots that are on the east side of Anton Valley Way and again 70 ft on the lots at the end of the cul-de-sac from the ditch which is constituted as a wetland and it will follow wetland A up to the western border along County Rd 9. That area depicts 50% of permanent conservation easement which is required in the Code.

As far as sidewalks are concerned, I know they are in the code. We did address it in our letter that we requested that sidewalks not be constructed for this particular project since there aren't sidewalks anywhere near the project as it is today.

I think that covers all of what we're looking for today. We have received Wes' letter today or yesterday relative to this project. A lot of those comments that were generated are related to the Preliminary Plan submission which we recognize and know we have to adhere to for submission at our next go around. What we're here for this evening, Mr. Chairman, is to get your acknowledgment as far as the acceptance of this as well as moving farther ahead in your comments so that we can incorporate them in the Preliminary Plan submission in our next go around. I'll be more than happy to answer any of the questions and if I can't the owner is here who could probably answer some of the questions that may be relative to the housing and the type of style of housing he's proposing.

Chairman Dianetti asked for public comment.

Mr. Joe Limbeck – The Conservation Board reviewed this project at our January 3rd meeting. Mr. Hewings did come to the meeting to present. I think you have our comments in front of you. I would like to note that the site is a WB6 in the Natural Resource Inventory. It has 4 co-occurrences; stream, wetlands, woods and flood plain. The applicant has addressed protecting the 2 tributaries that are located on the site, they are noted as Tributary A and B. There is a Federal wetland located on the site. Of more significance is a flood plain and low elevation combined with hydric soils. As acknowledged, these conditions will require significant fill on the site and may affect drainage to the streams and the wetland.

We noted that the density is well within the allowable limits of the Town Code appears to be quite dense given the green infrastructure present on the site. We would like to see the limits of disturbance clearly labeled on the plans as the planning continues and being less impactful on the wetlands and streams by keeping construction and fill as close to County Rd 9 and Gillis Road would be preferable.

We discussed enlarging the conservation easement and in particularly behind Lots 7 & 8 as desirable and potential to reduce the stress on the wetlands and the streams and a no touch easement would be recommended by the Conservation Board.

I did get a copy from Cathy of the January 18th letter from Parrone Engineering. They have substantially addressed the majority of our concerns. The final bullet was encouraging where they say that they believe the conservation easement as defined in the plan is adequate. But they acknowledged the request of the Conservation Board to look for opportunities to look for more areas in the conservation easement as planned development moves forward.

We had some really good discussions with Mr. Hewings. This is a tough site to develop. We looked at the amount of fill that's going to be brought in. We actually talked about moving houses here and there on the site plan. We took a look at bringing the road in from County Rd 9 as opposed to Gillis Road. Mr. Hewings spent a lot of time with us discussing the ins and outs of the plan and we came away happy with the thoughtfulness that they've put into this and the consideration of these 4 co-occurrences on site. That's sort of a personal note but that was the general feeling from the Board as we left it. Any questions for me? Thank you

Mr. Richard Evans, Esq. – Mr. Chairman, Ladies & Gentlemen of the Planning Board my name is Richard Evans, I'm an attorney with the law firm of Evans & Fox LLP and I'm here on behalf

of my client Victor Rod & Gun Club. I have circulated to all of you and to Mr. Parrone an outline of the Victor Rod & Gun Club, its purpose, how long it's been in existence and I'll cover those points briefly with you. We're here tonight for the following reasons; to be clear for the record, Victor Rod & Gun Club wants to be a good neighbor and we certainly do not oppose the proposed construction. Our job here tonight, is to advise the Planning Board of what we do as a gun club so that we don't have problems, assuming this project goes forth because the last thing that we want as a good neighbor and as a gun club is to get complaints from future homeowners that will build and develop very nice and very elegant homes located to the west of our club. So that's my function and obviously, I'm hoping to discuss that with you as Board members to make sure that you have addressed what is being built and what we are because we are legal in our position and certainly have the right to use the land as we have been doing since 1937.

In that regard, I'll very briefly highlight my submission to you in writing. The Club was dooly organized and incorporated under the laws of the State of NY in 1937. In fact there is a photograph somewhere in our club house of the original founders of the Club. Obviously they have all passed on, however when I joined the Club in the early 1990's, several of those gentlemen were in fact still alive and it was very interesting to hear their stories with regards to Victor and its development. We are proud to be part of the Town of Victor and we have members who are very active as you may know within the Town of Victor. We are good neighbors to all of our friends on Gillis Road and certainly to those who live and work off of the County Road/Victor Egypt Road.

I think it's important to point out that since 1937 the Club has been continuously used for all the shooting sports and what we do in that regard is the following: We shoot the game of trap, we shoot the game of skeet which of course are clay targets and we also have a rifle range and the rifle range accommodates the use of rifles. We have come before the Town and actually this Board in 1999 and secured approval to the site plan development of that rifle range and the improvements we made to it in accordance to your permit and your permission in 1999. We are in full accord with that site plan approval which was signed off by the Town Engineer at that time and also of course the Chairperson of the Planning Board. I'm saying this because again and not to be repetitive, guns make noise, we're aware of that. I want to bring to your attention some critical points under State Law. Under New York State Law and the relevant section for shooting ranges is Section 150 of the General Business Law of the State of New York. That's a state law and that controls clearly the hours of operation. Under that Statute that shooting club and shooting clubs throughout NYS have the right to remain open from 7:00 am each morning until 10:00 pm each night. As I noted in my highpoints handed out to all of you, we do shoot every day and the club is open for shooting every day. We do have organized shoots, we have what we call events that occur on the shooting ranges but I wanted to make clear we don't start shooting at 7:00 am. On the weekends when we do have club shoots or organized shoots or league shoots, those start at 9:00 am but they certainly go well into the late afternoon, often the evening. In fact our major event each year is called the JTH Agency Shoot where skeet shooters from all over NYS come to Victor, NY, stay at the beautiful hotels along Route 96 and attend our event held usually the first or second week in June to shoot competitively against other NYS shooters in this registered shoot.

I bring that up because often times there are shoot offs at the end of the daily shoot which means that those that have won for the day get to square off, if you will, against the 2nd or 3rd place shooters and often times those shoots which are run offs, if you will, last until 6:00 pm, sometimes 7:00 pm. I point that out because we don't want to have anybody approach the Town

as homeowners and say, "If I had know this was going to be there, I wouldn't have bought a home" and we don't want that problem and we don't want to hear from members of Victor nor the town officials to say can you do something to quiet that down over there. We're operating fully within the confines of the law but to be clear, this is not a thumb in your eye situation. We're addressing this forth right so that we won't have problems and that all of you are aware of what we do and how we do it and Mr. Parrone and his client are also aware of what we do and how we do it because I'm certain that if their customers express interest in building or buying a home from Mr. Antonelli, there's going to be questions and there should be questions. Obviously, that's why I'm asking that you make part of your record here this evening my submission that I've given on behalf of the Victor Rod & Gun Club so that it's formally part of this proceeding and made available to the public.

I mentioned the rifle range, it's used actively. We have a shed from which the shooters shoot from inside the shed looking out over the rifle range. The basic configuration of the rifle range is if you are in the shed, you're going to be looking southward from the shed, looking south out to the backend of our fields and we have constructed again, in accordance with approvals, berms which are very large to obviously avoid ricochets of bullets. And also, we have baffles that are erected in that direction which are basically put in position by beams so that it avoids any errant bullet from going over the top of a baffle or going out into the distance. We've effectively set that up knowing the angles of the shot from the shed so I'm advising you that when that occurs, we have reduced to the best way that we could and in accordance with a permit, the chances which we avoid obviously and vigorously of any errant bullet going left/right or over the top.

Chairman Dianetti – What's the distance from the shed to the berms?

Mr. Evans – Mr. Shussarie who is a member of the Board (the Gun Club) says it's roughly 25 yards. I pointed out in my submission the safety regulations in which the Club operates. We don't let people go out into the ranges if they are a guest without having first gone through certification and also having a member of the Club who has already been certified be on the field with that guest. So we go out of our way to be as safe as we can. I can proudly say that for the 25 years or 26 years that I've been a member, I know of no incident of any errant shot or anyone ever getting hurt or anything out of the ordinary occurring. I'm proud of that and proud of how this Club has functioned over all of these years. If you have any questions, I'd be happy to entertain them.

By the way, we do not permit hunting by members on our property which is a concern obviously with regards to people walking around and not knowing where they are going or what they are doing. One other point I wish to make and that is as you consider the Antonelli proposal, I'd like the developer and his engineer to consider the erection of perhaps of some kind of fence or separation barrier between our lot line which is to the east of the development and the homes. Why? People have pets, this is a rural area, dogs tend to run. Our concern is we don't want to see pets, dogs or any kind of household animals run into our property particularly while shooting is going on at locations that have nothing to do with the location of the barrier line. But we're also concerned about children and we want to make sure that children, who may be of the homeowners, don't wander if you will, onto our property and children of course will wander and also they are adventuresome and we don't want anybody trespassing or coming into our property given the nature of the activity that we lawfully engage in. We are open to suggestions in this

regard. I have no firm proposal but I'd like the Board to kindly consider working with the engineer and the developer, some form of fence or barrier so there is a demarcation of our property from the Antonelli's. If there are any questions, I'd be pleased to entertain them.

Mr. Santoro – Which direction do you shoot?

Mr. Evans – On the trap fields, we're shooting west to east. So our trap houses....

Mr. Santoro – Are you shooting away from this project? (Yes)

Mr. Joe Strazzeri from the Victor Rod & Gun Club – The 55 acres, the shot falls approximately 1,000 ft but we're shooting east, nothing directly to the subdivision whatsoever, rifle range or shotgun ranges. Everything is away from that. Again, we're not here opposing the subdivision, we're just making it known what we do there and the activities. In a prior subdivision there was a homeowner that ventured to our property and wondered why we were open other than Thursday and Sunday. Some how they were under the understanding that we were only open Thursdays and Sundays. That's not the case, we're open 7 days a week and as Dick indicated when we have shooting events, they can go Friday, Saturday and Sunday and those days the shooting is very consistent. During the week, it's very random but when we have events, it's consistent.

Mr. Santoro – A curiosity question, do you have any retrieval system to get the lead?

Mr. Strazzeri – We brought in a firm that did a scoping of the fields and over all of these years, there wasn't any significance to reclaim. So it was pretty shocking because we could reclaim and bring in some revenue to the club, but it wasn't there. I believe we do have those records, those findings.

Mr. Evans – To further enhance that answer Ernie, to my knowledge and Joe is much more familiar than me that under NY Law there is no prohibition against using what we use, lead shots for the shooting games that we participate in. So this is not a duck field or from a duck blind and we don't need to use steel shots.

Chairman Dianetti asked for any other public comments.

Mr. Robert Klein from 523 Co Rd 9 – I would be their neighbor. As far as the Rod & Gun Club goes, they are good neighbors. They shoot, you know when they are going to shoot but it's never crazy. I do have concerns about the development coming in. If you don't know they have shipped in fill already, they have made an entrance into their property, they covered over I believe, an existing cobblestone foundation onto the property.

What concerns me is the field that I do not own that butts right up to Gillis which is owned by Rocco Sacco, it's one of his hayfields, floods. From the talk of the water and the sewer water coming down, my concern is that's going to be exasperated by it.

The other main concern that I have is where are these people going to be entering into this subdivision? Already that intersection of Gillis/Co Rd 9 is one of the worst intersections

historically in Victor. I live there, I've seen Mercy Flight land in the fields more than once. I can tell you in the summer, the guy who owns the corvette races with another guy that owns a Porsche, they come down Gillis....hits a bump.....stop sign goes through. I can tell you the construction site for the other proposed plan. I've watched those trucks come over that hill way too fast, full load, come down, run through it.

Building there, there's no good spot to put an intersection in unless it's way down to the other end. The State's coming through and regarding the road and doing all of that stuff, you'd think that someone would stop and say let's not regrade it if we've got to move stuff around.

The other issue and forgive me, this is the first that I've heard about this. I had back surgery back in December so wasn't able to attend the meeting that you said you had on the 3rd of January. (The meeting was at the Conservation Board not the Planning Board). I think you had one on the 16th, a preliminary. (The meeting was a staff pre-application meeting at the Town Hall, not a public meeting). Okay so this is the first meeting and I didn't miss anything.

I'm going to bring in the Town Historian as well. My house is the oldest house in Victor. It was built in 1802. I substantially remodeled it and spoke with Babette. My original plans were to have my garage facing Co Rd 9. After speaking with her and agreeing to keep within the feel of the house and the period and the neighborhood, that maybe I would absorb the cost, turn my garage around which I did and it cost me about an extra \$20,000 to turn it around, bring the driveway around and pave back there. I would like to see the character of the neighborhood stay the way it is. Already across the street on Co Rd 9 you've approved a building lot and they are cutting the trees down for whatever that house is going to be built. You are changing the look and the feel of Victor. It's quickly becoming, in my opinion because I grew up there, a Henrietta. When I grew up in Henrietta, NY it was rural, there were fields. Market Place Mall was a swamp, now look at that area. Victor is becoming that and I'm urging you not to let it continue. The impact, what's the impact on the fire dept? We just had to hire new full time firemen to staff what we have and we're continuously building more. Is more revenue by those few tax payers going to pay for possible additional cost, additional equipment? So I'm urging no, don't build there at least not in that capacity of 15 homes. I don't agree with it.

Chairman Dianetti – Thank you for your comments.

Chairman Dianetti asked for any other comments from the public.

Mr. Thomas Wager from 6662 Gillis Road – The creek runs through my property. The first thing I'd like to do is reinforce that the Gun Club are excellent neighbors and we really appreciate their existence, I do anyway, their existence in our neighborhood. One thought that I had which is just off of the cuff, is perhaps with each person who is seriously considering buying that the Gun Club prepare a handout that the builder could give to them so they would have a thorough understanding of what and where they are buying, what goes on in the neighborhood and that would eliminate any concerns of the Gun Club.

My personal concern is the water flow. Naturally, I'd rather have a field than houses but that's your job. The thing that I just want to share, you probably remember Gene Gillis and Gene stopped farming that field because of it being so wet, it's very low. His joke was that on the wet years, he would farm it and couldn't get a crop and the dry years, he didn't farm it and could have. There is a lot of water that flows and currently even at the culvert, at a heavy rain, on the south side of the culvert, water flows through, it has been as high as 18" to 20" above the

culvert, the road forming a dam keeping the water from flowing through. The water on a heavy rain as it flows through completely will come up over towards Gene Eckert's garage.

I see the retention pond. I have no idea if it's large enough but if that could be over built, I think that would do a great service to the rest of the neighborhood because everybody downstream even currently has issues. Our yard floods, there's some cottonwood trees in the front yard, the water will flood around those cottonwood trees as it currently stands. One of the reasons is because there is a culvert below our property which dams up the creek but it's too late to talk about that. So if that retention pond was large enough so that the largest rain storm, that that would hold the water back, that would actually be an improvement to my property and I'd be grateful for that. I'm concerned because as you develop the land, the road, the houses, they reduce places for the water to soak into and all of those other things which you know more about than I do. So that is my concern that there be a very thorough investigation that the drainage off of that property is totally adequate for...even hopefully better than it is now because yes the field across the street does flood significantly in the spring. This field floods and unless you live there, you tend not to see those things particularly this summer. So that's my major concern and wanted to bring that up for the record. Thank you

Chairman Dianetti – Thank you very much for your comments.

Chairman Dianetti asked for any other public comments.

Mr. Robert Klein – If anyone was here when we were discussing the short fall of taxes that occurred for the Town, they discussed about cleaning out these retention ponds and the cost of it. That was a very large item on the agenda and the cost and they named a lot of retention ponds that they had no chance to even clean out and maintain. They have a list of them and they were asking for and I'm generalizing, \$80,000 and they couldn't tell how many of these retention ponds that they would clean with it. They were guessing about 4 if I recall correctly from it. Another retention pond is going to be, I'm sure if I was a lawyer, we'll maintain it for 2 years and then dump it back to the town. Again, costing the town more money and the town, we just had a huge increase in our property taxes. Is the revenue for these 15 houses going to offset that? I think that should be the number one issue right now. Is this going to cost the Town of Victor to let them build and it probably will? Thank you

Chairman Dianetti asked for any other comments.

Mrs. Chrystal Wager from 6662 Gillis Road – Just reviewing the water flow because of our creek that comes from the south and flows north under Gillis, the water is also coming down Gillis Hill through that field into our creek area. So technically, we're getting everything running down off of the drumlin, down and across both sides of the road and then it falls into that creek. There is a lot of flow there on rough days. Over the years, we've had awesome pictures...we call it Lake Wager when it's really awful! But it's really got to be dealt with, with the runoffs and we've always said to each other over the 30 years we've lived there, if they ever build we have to be on this because we're very concerned about the drainage which I'm hoping the Conservation Board is looking at all of those pieces.

Chairman Dianetti – Absolutely and the Town Engineer.

Chairman Dianetti asked for any other public comments and there were none.

Mr. Santoro – Have you given any consideration to what happens when someone moves in next to the Gun Club?

Mr. Parrone – We've talked about that Ernie and in fact, Mr. Antonelli and ourselves have discussed that we have to do full disclosure. I like the idea that if we could work with the Gun Club as far as providing brochures for our perspective clients and customers, that they are fully aware. I have a partner that is a member of the Gun Club in Penfield. We've had a lot of discussions about this and what the Gun Club has said is absolutely true. I can corroborate the lead is worthless. The people in Penfield won't do it either. We totally recognize the issues that are here at hand. We want to give full disclosure to our clients. I can appreciate where the Gun Club is coming from because I know from some other instances, the people in the public are very upset but the Gun Club preceded the people so they have to learn to.....

Mr. Santoro –To a lot of people, it doesn't make any difference to them.

Mr. Parrone – That is correct, I get that. So I think the best thing is, we are at quite a bit of distance from where the property line is. As you look at the plans, there will be a couple of barriers, certainly there is going to be trees, a fairly large wood lot between the stream and our property line and then where the actual homes are going to be quite a bit of distance even before they get to the stream. So we're tucking the development, if you will, as far west towards Co Rd 9 as we possibly can to avoid, obviously to reduce the sound issues as well as giving some sort of barrier as you keep the foliage in its natural state as the Conservation Board wants us to do and so do we, it's to our advantage.

Mr. Santoro – You are bringing a lot of fill in. (Yes) and that's going to take time to have vegetation on it. What's going to happen in the mean time with all of the water run off?

Mr. Parrone – When we do the fill, we have to incorporate our stormwater management and erosion control measures immediately. Prior to the filling of the operation, we will have to provide erosion control measures, temporary silt basins to capture the silt before it gets into the stream. There is a whole very detailed plan that has to be developed for that as we do the fill and after the fill, we're going to have to put ground cover on it because we have to maintain it. There'll be a Stormwater Pollution Prevention Plan (SWPPP) which will have to be adopted and incorporated that will take into account minimizing any of the pollution that would go to this stream during construction and after construction.

Mr. Santoro – Are we going to be provided with plans that show that?

Mr. Parrone – Oh yes for our preliminary submission. The answer is yes.

Ms. Zollo – Did you say that you're connecting to the sewer on Co Rd 9?

Mr. Parrone – At the intersection of Co Rd 9 and Gillis Rd is where the sewer is. We can't connect to the sewer that is running along Co Rd 9 because it's too high. The lowest point, believe it or not, is at the intersection and the sewer there is quite deep but the property falls off. To maintain gravity, we have to provide fill onto the site.

Ms. Zollo – Okay and you said 40,000 to 45,000 cubic yards? (Yes) How long will it take you to bring that kind of fill? How many trucks, how many days, how many weeks?

Mr. Parrone – It's probably going to take more into the weeks for that to occur. Will it be continuous? Probably not but a period of weeks to get it all in place.

Ms. Zollo – Have you considered the fence that the Rod & Gun Club had suggested?

Mr. Parrone – We haven't considered a fence at our property line just yet because it's quite heavily foliated, it's heavily treed. I mean that's something that we can certainly discuss with the Gun Club as it relates to some demarcation to denote for people that there is a gun club. I think Heather that is certainly something which was just brought to our attention this evening, so I think that is something we certainly can have a discussion with the Gun Club. We too want to be good neighbors, there's no question about it. The Antonelli's know full well that there is a gun club there.

Ms. Zollo – And have you considered reducing the number of homes on the cul-de-sac?

Mr. Parrone – Actually not. We wanted to be at the capacity that we could have because of the expenditures that are going to be incurred of bringing fill on site, the 15 lot subdivision works for us. I mean it would be a very difficult financial stretch if we have to reduce the number of lots.

Ms. Zollo – Okay so reducing the number of homes, you'd still have to bring in the same amount of fill?

Mr. Parrone – Oh yes, absolutely, it doesn't matter. We have to do it no matter what for two reasons; one is the stormwater management facility and two would be for the gravity sanitary sewers.

Mr. Logan – I was concerned a little bit about wetland A at the southwest quadrant of the property. You're showing the two houses on Lots 7 & 8 pretty close to the boundary of those wetlands. I don't know if that includes a buffer or if that's actually the location.

Mr. Parrone – There are no buffers, remember this is Army Corp. Remember we're showing a block, we're not showing the actual home itself. It's a generous block and there is still quite a bit of distance before you get to that wetland. You're looking at 30 to 40 ft alone and depending upon the size of the home that's going to be built there...we consulted with BME on that and their wetland expert felt that there wouldn't be an issue with that particular wetland because it's an upland wetland, that it would not pose a detriment to that wetland at all.

Mr. Logan – So you're talking about bringing generously about 6,000 trucks worth of fill in here.

Mr. Parrone – Generously, depending how much they can....

Mr. Logan -7 yards a truck is what I figured. So when you fill a site like that, how many feet are you talking and are those couple of houses near that wetland being raised a significant amount? (No they are not) Are they higher than other spots on the property that you're filling in?

Mr. Parrone – We haven't done a detailed grading study but we don't think that's going to be that much higher. Generally speaking, you're looking at probably between 4 to 5 ft of fill in spots for sure.

Mr. Logan – So then that fill would touch down before it gets into the bordered wetlands, correct?

Mr. Parrone – Absolutely, in fact the Conservation Board and we agreed with them that we would have to fence the limits. We all know Joe with you being in the business too that bulldozers do what bulldozers do and hands do what hands do and without us demarcating with a fence of some sort, they are going to do what they do. So we agree with them that we do have to keep that corralled if you will.

Mr. Logan – So it will give you 4400 trucks in. That's all I have for now.

Mr. Gallina – So no questions at this time other than to reinforce that we have to do some significant and due diligence on the whole fill, the grading and the stormwater management. But other than that no additional questions.

Mr. Parrone – Mr. Chair, what are your feelings about sidewalks? I want to get that clear...

Chairman Dianetti – My feelings about sidewalks? Where are they going to take you?

Mr. Parrone – They take you nowhere.

Ms. Zollo – If we had a sidewalk fund, we could be gathering money.

Mr. Santoro – I've always been vocal against sidewalks in areas like this.

Mr. Parrone – I know you have. Ernie you've been very consistent. Jack's been consistent.

Chairman Dianetti- I'm not a proponent for sidewalks in this area. They don't connect to anything.

Ms. Evans – So that is 2 voices. I'm wondering if we have a consensus on this position.

Mr. Logan – I'm not seeing a demand for a sidewalk in this site. The best you could get out of it and it's not unimportant but the safety of the people walking around within the community. I

think that's what sidewalks are generally intended to do but in this particular case, it's out in the middle of an area that there are no sidewalks to go to.

Chairman Dianetti – It's hard to see where this is going to connect to.

Mr. Logan – It's a cul-de-sac, not a through road so you could walk on the road quite easily.

Mr. Gallina – I would agree with Joe's position. In this application, I don't think sidewalks would be appropriate.

Mr. Parrone – One thing I want to make clear Jack and that is the public did raise the issue relative to stormwater drainage and I appreciate their concern, it's always been a concern of people in Victor. As you all know, we have to go through a very diligent process with stormwater. It's no longer stormwater detention and retention, it's really stormwater management for stormwater quality as well as stormwater quantity as well as green infrastructure. So there is quite a bit of due diligence that we have to do with that as we all know and I hope to assure the public that we have to not create or cause any further problems down stream than are there today and in many cases we have to hold back more stormwater than what we've done in the past. We're going to be looking at it I'm sure for the 100 year, the 50 year, the 25 year and then the 10 year occurrence intervals for that. I just want to lay the concerns that they may have relative to storm drainage that we have to meet all of those tests.

Mr. Pettee – We did issue a letter on the sketch plan submission. Just about every one of our comments, we want the applicant to follow up addressing those comments as part of their preliminary subdivision application which they would submit after this Planning Board deemed the Sketch Plan complete. LaBella didn't feel we needed anything else to be able to deem this Sketch Plan complete as far as a Town Engineer stand point. When we look at the Preliminary Subdivision application, we'll dig into the review of the sanitary sewers, the stormwater, the drainage, the fill and also the applicant would be submitting a SEQR environmental assessment form with the Preliminary Subdivision application so that will help us take a look at the environmental impacts of this project. So we don't have anything further at this point.

Chairman Dianetti announced that the applicant was only before the Board for a complete Sketch Plan submission and that no approvals are being made for the project.

The public hearing was closed.

RESOLUTION

On motion made by Ernie Santoro, seconded by Joe Logan

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

1. A sketch plan application was received on December 6, 2016 by the Secretary of the Planning Board for a Major Subdivision entitled Anton Valley Subdivision.

2. It is the intent of the applicant to subdivide 30 acres into 15 single family lots.
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 24, 2017 at which time the public was permitted to speak on their application.
5. The Conservation Board reviewed the sketch plan and made comments dated January 3, 2017.
6. In a letter dated January 12, 2017, Codes reviewed the sketch plan and made comments.
7. In a letter dated January 20, 2017 LaBella Associates reviewed the sketch plan and made comments.
8. Highway Dept. reviewed the sketch plan on December 19, 2016 and had no concerns at this time.

NOW, THEREFORE, BE IT RESOLVED, that regarding the sketch plan application of Antonelli Development Inc, Major Subdivision entitled Anton Valley Subdivision, drawn by Parrone Engineering, dated December 5, 2016, received by the Planning Board December 6, 2016 Planning Board Application No. 4-SK-16, the Planning Board **acknowledges receipt of a complete sketch plat application..**

AND, BE IT FURTHER RESOLVED, that the Planning Board Secretary forward a copy of this resolution to the applicant.

DISCUSSION: Mr. Santoro made the comment to the audience that this is not an approval of the project but only that the Sketch Plan portion of the application is complete.

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

Approved 5 Ayes, 0 Nays

TESLA SUPERCHARGING STATION
 Eastview Mall
 Appl No 36-SP-16
 Owner – Eastview Mall LLC

Zoned – Commercial

Applicant is requesting approval to install a high powered electric vehicle charging station. The proposal calls for 8 parking stalls to be equipped w/Tesla charge posts, after hours lighting and directional signage on a new curbed center median. An adjacent curbed island will be cleared to allow the installation of an RG&E pad mount transformer, electrical switchgear & 4 Tesla Supercharger Cabinets.

Tesla Motors Inc. requests site plan approval to construct eight high powered electric vehicle charging stations equipped with Tesla charge posts, after hours lighting, and directional signage on a new curbed center median at Eastview Mall in existing non-prime parking stalls. The property is owned by Eastview Mall LLC, is zoned Commercial, and is within the Route 251/Route 96 Overlay district. This is the first time this request is before the Board.

Mr. Jesse Karp representing Tesla Motors – Good evening. I'm joined by Mike Kaufmann, General Manager at Eastview Mall and my colleague Steve Hitchinson. We're here this evening to seek Planning Board approval on the installation of Tesla Supercharging equipment at the Eastview Mall. This is a station as part of the Supercharging network that enables long distance travel for owners of Tesla vehicles. We currently have 370 pushing 375 of these stations operational in North America. They are situated along major travel corridors, frequently between 50 and 100 miles apart to allow owners to stop off, charge their vehicle, have a rest and then be on their way.

The station here will enable travel along the 90 and 390 corridors and bring travelers from far and wide to stop here and patron the mall while their vehicle is charging.

The proposal calls for 8 posts to be situated on existed parking. There is some associated equipment to support the charging post and a dedicated transformer from the electric utility and switch gears in some cabinets to amplify the power. This is the highest power electric vehicle charger on the market today. It is specifically for Tesla vehicles and customers can expect to recharge their batteries typically around one-half a charge in as little as 20 minutes, depends on how much charge you have when you come into the station. You can expect around 150 miles to be put on the car in 20 to 30 minutes. Frequently customers will charge, standard charge time is around 30 to 40 minutes. Folks could stay there up to an hour, dine at the restaurants, shop at the mall, then be on their way.

We have received comments from a number of different groups; the Fire Dept, Conservation Board, Town Engineer, Planning and Code Enforcement. Some of which have been addressed in letters. We still owe responses to Code Enforcement although I do have replies available today if they would be accepted. And that's it. I'm hoping for questions.

Chairman Dianetti asked for comments from the public and there were none.

Mr. Logan – I'm happy to see them come to town. I certainly want to support the electrical charging stations throughout the state and nation, it's a good thing in my opinion. There was a question about lighting. I would expect this would be on all night for security reasons and for people to see it when they come into town.

Mr. Karp – Correct, the station is operational 24/7. We are proposing some additional lighting in addition to the mall lighting that is in place to provide safety and security. Just to add, the

lighting will be dark sky compliant and a very similar product to what has previously been approved for the Mall.

Mr. Logan – I don't know what Tesla's plan is long term, how many stations or would it just be more diverse throughout the country? Would you add more eventually to the east or another spot in the Mall or maybe in another plaza? Is that kind of your long range thinking?

Mr. Karp – A good question. Right now the priorities are really to build out the network to enable every 50 to 100 miles. I would not expect to add more of these in the existing Mall. Right now the currently installed stations in proximity are Buffalo to the west and Syracuse to the east. South probably not until Binghamton. We're going to be filling in the gaps. Rochester, Victor area is a key intersection for us so once we complete this, I would expect us to start filling in the rest of the gaps. Nothing more is proposed above and beyond what you see here in this parking lot.

Mr. Logan – Do Tesla owners have an app for that saying that there is one right here or where the stations are available and open?

Mr. Karp – Tesla vehicles are equipped with a 17" user interface that will direct the car precisely to where charging is available along the route. I could sit in NYC and type in a destination of Buffalo, this charging station would pop up as an option. It would list the amenities and if you so choose that route, your car would come here.

Mr. Gallina had no questions but was in favor of the charging stations.

Ms. Zollo – What is the height of the light poles that you'll be installing?

Mr. Karp – The light post is 20 ft on top of a 3 ft base. It should be compliant with your 25 ft maximum.

Ms. Zollo – This is just for Tesla automobiles? (Correct) And do they pay a fee to charge their car there?

Mr. Karp – There is no point of sale at the charge posts, there is no swiping credit cards. It's all handled on the back end in the cloud. The question is --- since current Tesla owners do receive free charging here at this network, going forward there will be a certain allocation of kilowatt hours allocated each year to a driver above which they would have to pay for that charge. But there will be no point of sale at the post, no swiping of a card.

Mr. Santoro – What if someone in a Prius comes up there and tries to force it, will that work?

Mr. Karp – For one it won't fit. There is a certain standard that the Prius is not compatible with. The connection to the Tesla must authenticate with the charger. You have to be in good standing with the Supercharger Network, no current will flow until many checks are made. The Tesla vehicles are the only car currently capable of accepting this level of charge. So technically speaking, it's incompatible and other batteries can't take 120 kilowatts.

Mr. Santoro – Can Tesla use other charge stations, different kinds?

Mr. Karp – Yes they can. There are adapters for the standard...there are several levels of electric vehicle charging. This is considered Level 3 which is DC fast charging. You may be more familiar with Level 2 which is a slower charge, it's what's currently installed across the street at North Face and fairly common in municipalities, on streets, charging a Level 2. That is a much lower charge that uses a J17-72 plug which is a universal plug for a cross electric vehicle. Tesla has an adapter to use that but not vice versa. Tesla is the only car that can use this charger.

Chairman Dianetti – How many cars do we have in our local area?

Mr. Karp- I don't have specific information on owners in the local area. They will certainly have access to this station but the network is really built to enable long distance travel. The use case of electric vehicles is really, you charge it at home, you plug it up and you have a full range/full tank every morning. It's really when you take those longer trips, you need somewhere....

Chairman Dianetti – How many cars do you serve across the country?

Mr. Karp – The fleet, I believe there are upwards of 75,000 vehicles on the road. The Model 3 is the mass market lower price vehicle coming out this year. There are currently approximately 400,000 reservations for that. The Super Charger Network is bracing itself to roll out more vehicles.

Mr. Pettee – We made a couple of comments but the only one of substance is #3. It didn't look like the submission packet that we got for review included a lighting plan that would show the cumulative effect of the existing lighting on site combined with what you're proposing. I believe the maximum illumination that is allowed by town code is 10 foot-candles. Do you have anything to address that at this point?

Mr. Karp – I actually have a revised photo plan right here that shows the inclusion of our 2 lamp fixtures and a maximum foot-candle of, I believe 7.50 in the proximity. The fixtures are dark sky compliant and match what has previously been approved and the foot-candles are less than 10. There was some concern on lighting from the post itself and we did a quick calculation and it's far less than your maximum.

Mr. Pettee – That would address my comment.

Ms. Evans – Wes would you feel comfortable that the comments that have been issued to date could be addressed prior to signing the final plans? A lot of AI's (Code Enforcement Officer) seem to be technical in nature.

Mr. Pettee – I would feel comfortable with putting a condition in the resolution that the applicant address these comments prior to signature on the mylar. I think that would be fine.

Ms. Evans – Did you want to address the signage comments from the Code Enforcement Officer?

Mr. Karp – The recommended signage for the Tesla Charging Station is fine by us.

Mr. Logan – Is there anything to keep people from parking there when it's really busy and there are no Tesla cars sitting there?

Mr. Karp – We address that in a few ways. We try and site the stalls in non-prime parking. You won't see Tesla charging stations in the front of the malls. So there is a little bit of deterrence there. We are not actively policing or ticketing the stations. In some municipalities there is an enforceable code to ticket those that are not an electric vehicle. I don't believe that is applicable here. So that is sometimes an option. We also have worked with mall management and mall security to place cones in those stalls to try to keep them reserved. The signage does help but no there isn't anything else we can do.

Chairman Dianetti asked for any other comments from the public or the Board and there were none. 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. A Site Plan application was received on December 8, 2016 by the Secretary of the Planning Board entitled Tesla Supercharging Station.
2. It is the intent of the applicant to install a high powered electric vehicle charging station. The proposal calls for 8 parking stalls to be equipped w/Tesla charge posts, after hours lighting and directional signage on a new curbed center median. An adjacent curbed island will be cleared to allow the installation of an RG&E pad mount transformer, electrical switchgear & 4 Tesla Supercharger Cabinets.
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 24, 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 application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law.
7. On January 10, 2017, Ontario County Planning Board referred the application back to the referring agency as a Class 1.
8. The application was referred to Zaretsky and Assoc for review of landscaping and all comments have been satisfied, therefore, there are no further comments.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 24, 2017 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Tesla Supercharging Station 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 Jesse Karp, Site Plan entitled Tesla Supercharging Station drawn by Black & Veatch New York LLP dated December 6, 2016 received by the Planning Board Secretary December 8, 2016 Planning Board Application No. 36-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 the comments in a letter dated January 20, 2017 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer dated January 23, 2017 be addressed.
4. That the comments in an email dated January 9, 2017 from the Fishers Fire Dept. be addressed.

Ongoing conditions:

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That at the request of the Planning & Building Department, a pre-construction meeting shall be held prior to the start of construction.
3. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.
4. The site plan shall be consistent with the landscape details as shown on the elevations,

entitled Tesla Supercharging Station as prepared by Black & Veatch New York LLP and received by the Planning Board Secretary December 8, 2016.

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 | Aye |
| Heather Zollo | Aye |
| Al Gallina | Aye |

Approved 5 Ayes, 0 Nays

DISCUSSION

7200 RAWSON ROAD – FILL

Appl No 37-SP-15

Owner – 7200 Rawson Rd LLC

Zoned - Planned Development District

Acres – 22.50

Applicant is requesting that the time limit for the placement of fill material in an area approximately 200' x 200' which is less than 1 acre be lifted.

BME Associates on behalf of 7200 Rawson Road LLC requests Planning Board consideration to allow the fill placed at 7200 Rawson Road remain on site without any timeline for removal or regarding. The property is owned by 7200 Rawson Road LLC and is zoned Planned Development District. The Planning Board last considered this matter on December 15, 2015.

Mr. Mike Simon of BME Assoc – I'm here this evening representing 7200 Rawson Rd, LLC. Approximately one year ago there was an approval to place fill material at the said address. We have submitted photos, several of which are on the screen before you. The site as you can see has been fully stabilized. We are not impeding any existing drainage patterns and there are no further susceptibility to any erosion at this site.

There is no immediate plans for any type of development to occur on this site and any future development as everyone here knows, including our client, would require full site plan, subdivision approval depending on what the application may be.

This was my understanding discussed in a PRC (Project Review Committee) meeting. We did not see any comments from any of the staff members or any of the town consultants. We respectfully request that any time frame associated with this material be lifted at this time. Should any development on this site occur at any future application, the material that you see here today and again it's fully stabilized, will need to be used to help balance the site. I wish I had something more for you this evening, but that's our request.

Mr. Santoro – Are you planning on at least letting it grow the way it is?

Mr. Simon – Just leaving it natural.

Mr. Santoro – Not going to mow it or anything?

Mr. Simon – No, just let it go fallow the way the rest of the field is today.

Mr. Santoro – Do you think you could get rid of those orange cones? (Absolutely)

Mr. Gallina – Is part of this request to allow for additional fill to be brought on site?

Mr. Simon – Not at this time.

Chairman Dianetti – Is there a potential to remove it at a future date to be utilized somewhere else?

Mr. Simon – At this time, it's my understanding they want to leave it. Again, as I stated, with some of the previous applications that were submitted to this Board however withdrawn, we would need utilization of fill material such as this in order to help develop the site. There is no intention to remove it that I'm aware of through our client.

Mr. Logan – Based on the photos, it looks like the grass is seeded nicely and the slope is more gentle than it used to be. I was glad to see that. Is there any accountability if something happens on the slopes? I don't expect it but if you start seeing erosion again, I expect it would be maintained.

Mr. Simon – I'm sure our client would concede to that. Again, as you mentioned, it's pretty stable. I think it's only going to continue as it in fills with additional growth to be stabilized. But sure, if there are any situations, I know the applicant and the owners would be more than willing to tune it up, if you will.

Mr. Logan – It's a vast improvement.

Ms. Zollo and Mr. Pette didn't have any questions.

Chairman Dianetti asked if the public had any comments.

Ms. Marsh Senges from 1231 Willington Dr. – It certainly looks so much better than it has over the past years and it's been great to have that seeded. My only concern and I think it's not an unreasonable request; it seems strange to have this open ended with no time frame and no review as far as just letting it sit there. I would respectfully ask if you could consider either an annual review of is anything is going to be done with this dirt, is it going to be removed, is it going to be spread around or some type of a reasonable time frame as opposed to totally being open ended.

Chairman Dianetti – I think at this point its become ground in place and if there is any movement of it, that's going to require them coming back here and getting permission. What they've done is re-established the natural grade and ground there. So to go in and disturb it, they would have to come back to the Board and get approval.

Ms. Senges – Would it hurt to have any kind of a time review? 3 years or.....

Mr. Gallina –We're essentially reviewing a static condition. I don't know what we would be reviewing.

Mr. Logan – I'm not interested in adding to the agenda.

Mr. Santoro – When we approved it last year, we made them come back in a year to see how they did. It looks like it's stabilized and it's done what it's supposed to do. I don't really see any point in having them back.

Mr. Logan – I would expect if there was any complaint about a condition out there that has changed, then code enforcement would tell them to come back before the Board.

Ms. Senges – Okay, I understand. Thank you for letting me speak.

Chairman Dianetti – I appreciate your comments.

There were no other comments.

RESOLUTION

On motion made by Ernie Santoro, seconded by Joe Logan

WHEREAS, the Town of Victor Planning Board granted site plan approval on December 15, 2015 to allow limited site plan approval related to grading and filling at 7200 Rawson Road (the "Site"); and

WHEREAS, the December 15, 2015 approval sought: 1) permission for the 2014 Fill to remain on the Site without any timelines for removal or re-grading, and 2) permission to place additional fill in an area of approximately 200 feet by 200 feet at the Site; and

WHEREAS, in a letter dated November 29, 2016, Michael Simon of BME Associates requested that the fill material that has been placed at 7200 Rawson Road be allowed to remain on the site without any timeline for removal or re-grading; and,

WHEREAS, the material has been fully stabilized, is not impeding any drainage ways and is not susceptible to any form of erosion; and,

WHEREAS, the orange cones on site shall be removed; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the fill will have no material adverse impacts on soil erosion, drainage, aesthetics or the character of the neighborhood; and, be it further

RESOLVED, that the Planning Board finds that the fill may remain on the site without any time line for removal or re-grading and that if soil is to be removed or moved on the parcel, an application must be made to the Planning Board for approval.

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

Approved 5 Ayes, 0 Nays

9:05 Chairman Dianetti called for a brief break.

9:14 Planning Board reconvened

TABLED FROM 1/10/17 MEETING

FISHERS RIDGE – FEIS 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 – At the last meeting we were deliberating the Findings Statement for Fishers Ridge. Ernie Santoro was not at the meeting and we felt it was important that there was a full Board to finish the deliberations. In the interim we have asked Jennifer (Michniewicz) to create a report for us giving us a synopsis of the traffic issues. I'd like to ask her to go ahead with her presentation and then we'll continue with our deliberation.

Ms. Michniewicz – There is a several page memorandum with a few things that I just wanted to highlight. I know that we've looked at these issues quite a bit and these are just things that I felt that I wanted to point out. So after we go through this, if anyone has any questions, I'd be happy to talk about them.

Growth Rate – If you recall when we talked about the Conserve project, we knew a lot of information about that project so we were able to add in information about other developments that were coming in. On this project, in order to capture what happens over time as well as other developments, we didn't know exactly what was coming. So they did traffic counts in 2011 and extrapolated out to 2012, they actually applied a 4% growth rate. Typically, in the Town of Victor we use a 2% growth rate. So that 2011-2012 they applied a 4% growth rate so that is actually a little bit more conservative. Then out beyond the 2012, they used the traditional 2% growth rate.

Trip Generation – That is how they established how many new trips are going to be coming to the development site and they look at the ITE (Institute of Transportation Engineers), that manual has a lot of data that has been collected for decades and they know how many trips are going to be generated as a result of a project. In this particular case, the anchor tenant is the Bass Pro. Rather than going to the ITE manual, they looked at other Bass Pros across the nation to come up with a correct rate across the State. The table that is in there shows all of the trips that are generated as a result of Phase 1 as well as the trips that are generated as a result of the entire build out. There are a couple of bullets underneath that goes into what is included in Phase 1 versus full build out. I know that full build out, there is a traffic thing that we're looking at versus what they are going to build right out of the gate. The Bass Pro with the restaurant is the first construction phase but from a traffic perspective, it includes a couple of other things. There is a line item in there of the other development that they looked at but they don't necessarily own the property for which I highlighted in that table.

So you can see especially with that highlighted portion and if you go to the bottom of the table, the number of trips that will be generated versus that one particular item. Also, in that table, if you go to page 3, there is another bullet that refers back to that table and it talks about shared trips. I know there were some questions at the last meeting about how much traffic would

be generated on the site that would stay on the site versus how much traffic was coming and going so I wanted to highlight that as well.

All of this information is taken and added to the intersections that are studied and is distributed throughout the roadway, based on existing traffic patterns as well as looking where they anticipate people coming from and going to.

Existing Traffic Distributions on Route 96 – NYS DOT does counts and these two graphs, one says east/west and one says north/south so it's a little tricky but his came straight from DOT. On the left it's north/south and that's from High Street at the Mall area down to Route 251, so it's really a north/south. The other graph is from Route 444 to High Street in the Village so that's still a north/south route but it's an east/west traffic pattern.

I just wanted to show this to you because it shows how there are peaks and valleys especially when you get into the Village in the morning and in the evening peak times. It's a little difficult to see the numbers but I just wanted to give you a perspective.

Mr. Gallina – On page 3 where it shows Route 92/High Street, the graph on the right, it looks like roughly the peak is around 1,000 vehicles per hour?

Ms. Michniewicz – Yes, so in the morning time it's just over 1,000 probably about 1050.

Mr. Gallina – So would it be fair to say by using these peak full build out and taking some percent that goes towards the Village, we may be looking at doubling the traffic conditions in the Village?

Ms. Michniewicz – Those numbers are within the traffic study. They looked at the distribution of the traffic coming out of the site. At full build out, coming out of the proposed driveway in the morning at Route 251, they have 126 vehicles turning left during the peak hour and 149 turning right during the peak hour. Then at the northern driveway, there's 43 vehicles turning left and 189 turning right towards 490. So it's not a 50/50 split, most of the traffic is going to head north towards 490 from this site.

Mr. Gallina – But shouldn't those numbers sum up to 3500 trips? I'm just going off of the table on page 2, it says full build out PM trips is generating 3570. Now maybe some of them are in and some of them are out.

Ms. Michniewicz – Right, it's distributed throughout the entire network. I just rattled off the AM peaks so the AM peak hour is 1317. Then you also have traffic that is going straight from the site to 251.

Ms. Evans – For the Board's reference and the audience and the record, could you touch on the peak hour component of this.

Ms. Michniewicz – What they did, in September of 2011, they counted cars from 7:00-9:00 AM and then from 2:00-6:00 PM. Then they also counted from 11:30 – 1:30 PM on a Saturday. They looked at all of those counts and established a peak hour. What was the most number of vehicles that were traveling through at all of the intersections that they counted during that time?

By figuring that out, that's a worse case scenario. So throughout the period of the days they were counting, they tried to find the worst case and that's part of the whole SEQR analysis, you have to mitigate the worst case scenario.

In this particular case they counted from 7:00-9:00 AM and they found the peak hour was 7:30-8:30 AM. Then they counted from 2:00-6:00 PM and found the peak hour was 5:00-6:00 PM. Then on Saturday they counted from 11:30-1:30 PM and found the peak hour was 11:45-12:45 PM.

Chairman Dianetti – Is there an estimate in what kind of reduction you would need in vehicle trips to improve the level of service at the intersections that were failing?

Ms. Michniewicz – No they didn't do an analysis like that. If we skip ahead to the tables on pages 4, 5 and 6 the middle two columns of those compare the no build versus the build and then the build with mitigation. So even without the project, you can look to see what the level of services would be. Again, if we go back to page 3 where the level of service and delay discussion starts, the applicant analyzed 14 intersections. At the request of the Board, we asked them to look at additional intersections totaling 22. Of those 22, basically we have the 2 intersections in the Village and then Main Street Fishers are the ones that we just keep on talking about. So by doing the signal retiming and all of the widening they are doing on Route 96 and having most of the traffic staying on the Route 96 corridor, as a result of Phase 1 all of the impacts will be mitigated. Then full build out, with the exception of those 4 intersections, they should be mitigated as well.

Mr. Gallina – When we look, for example on page 3, we look at the middle, Route 96/High Street, no build. We go from a level C with a 29 second delay to a full build with mitigation to a level F with 230 seconds delay. So it's 8 or 9 times increase in the wait time, that's the AM peak. There are similar conditions in the subsequent pages but that's kind of what has me concerned. It's not just going from a C to an F because not all F's are created equal but these are very significant delays that will be introduced as a result of the build out with mitigation.

Ms. Michniewicz – Correct.

Mr. Gallina – Similar School Street goes from an E for a 59 second delay to an F for 293 second delay. So you're talking about a 5 minute wait time.

Mr. Logan – On the sheet for 96/School Street, there's a build 2022 on the top line, east bound F is 120 seconds but with mitigation it got worse and went to 293 second delay.

Ms. Michniewicz – If you go to the bullet right above that table, I note that very thing. Some of the build is worse as a result of balancing; this one might get worse so that this one gets a little bit better.

Mr. Logan – So you're mitigating here but making it worse over there.

Ms. Michniewicz – Yes, Mark Tayrien says it kind of like chasing a bump in the rug, pushing it here, it goes over there!

Mr. Logan – That's the problem when they get really sensitive like that, one little thing....

Ms. Michniewicz – We've talked about that before, when you have the truck team pushing the button at High Street, the synchronization..... Continuing on:

Bottlenecks – We've talked about the overpass on Route 96 and how that is a hindrance but you've also got all of those other underpasses under the thruway that are basically one lane that restricts things. That's not something that this applicant can necessarily mitigate.

Mr. Gallina – On page 6, Route 96/High Street in the Village, no build C, D & E with roughly 30 to 40 second delays, then they go to F where you are looking at 4 to 5 minute delays. So it's very significant and it's a function of the build. So taking all of that background --- is constant in both of those scenarios. It's all attributed to the build out.

Mr. Logan – This one project is what you're saying.

Mr. Gallina – Yes absolutely. Which again, to me I think is significant and I don't think we can ignore it which is my opinion.

Mr. Logan – If you built half of it, it would significantly increase.

Mr. Gallina – I don't know because we didn't study that and it depends whether it's residential....

Mr. Logan- So I was wondering what the tipping point is. All of a sudden does it balloon at 3/4 of the project?

Mr. Gallina – At least with the trip generation on page 2, Phase 1 doesn't appear to be as significant in the creation of trip activity. It goes up 5X from Phase 1 to full build out. I don't think Phase 1 is really the problem but we discussed that we're accepting the Findings of the full build out and the applicant has indicated that partial build out, there is no economical model that is viable, so..... We talked about doing traffic studies after Phase 1, well it's likely that we're going to find out that yes, the projections are still valid so we still have an issue. That's my concern.

Ms. Michniewicz – The last page of the memo talks about the Real-Time Message Signs. This is where it might say the travel time on Route 96 through the Village is X number of minutes, travel time on the thruway is X. So Bergman went ahead and did an arbitrary 10% assumption and we talked about this in one of the workshops but I don't know if the information was ever presented. So his email and the memo and the backup are behind this page 7. He just did a quick analysis of 10% using the thruway instead of using Route 96 and this is his comparison. There is benefit to it.....

Mr. Gallina -Again based on some assumptions where the traffic is actually coming from and the thruway being a viable option for people. So there are a lot of assumptions that get

baked into the analysis. (Yes) And if I recall, I think the State DOT didn't necessarily agree with....

Ms. Michniewicz –No there were two things that State DOT commented on. One was the real-time messaging and the other was having the signal adjust to having it linked to --- and that portion of it you wouldn't necessarily see a significance for. This one they commented on, initially was proposed to have almost a red/yellow/green type thing and they talked about people who have color blind issues. So this is more of a travel time type thing.

Mr. Gallina – Then we also, at least amongst the Board when we talked that the thruway exchange at Exit 45 in of itself may have capacity issues. So again, I don't think we can necessarily rely on signaling being as affective as what's at least contemplated here.

Ms. Michniewicz – I just wanted to make sure that that got in there because I don't think I ever commented on that.

Mr. Gallina – I think it should be included as input from the applicant.

Ms. Michniewicz – Before the meeting Heather asked me about the Lane Road cul-de-sac and wanted to know if that was included. My understanding was there is a parcel that is not owned by the applicant so they can not progress that at this point. Heather also asked about the amount of traffic that could be diverted to High Street and generally speaking, most of the people traveling through there will be wanting to use the Route 96 corridor. There will be people using that but it's not a huge add at that intersection. I looked at the numbers and we're talking in the 20ish additional trips.

Chairman Dianetti – What's the maximum length of time that these levels of service decline at this point?

Ms. Michniewicz – That's a tough thing because of the nature of how they have to look at the worse case scenario. They only analyze the peak hour. They don't analyze how long is it like this, it's just this is what happens during this one hour period.

Chairman Dianetti – A point of clarification for me. Are we deliberating right now amongst the Board members, are we deliberating whether or not the impact is significant or are we debating whether or not the benefits of the project offset the impact or don't offset the impact? I don't think it was ever really a question about whether these impacts are significant in terms of the level of service but does this project have enough benefits to offset that impact. Is it something that we can accept as a community to gain what we gain from the project? There is a lot to be gained from it. So I guess that's the point that I'm trying to get straight in my head because where the Board is at in terms of the deliberation. Does anyone have a direction they feel they would like us to go?

Mr. Santoro – Well, I initially wanted to see it done in phases for us to look at what the traffic was after Phase 1 and if we go forward with Phase 2 but the developer doesn't want to do that. I don't know where we are. These are significant impacts, these traffic impacts, very significant.

Chairman Dianetti asked Mr. Young where we can go from here.

Mr. Young - You have some options that I can go through with you but given the nature of some of my answers, I would like to ask to go into an attorney/client privilege meeting.

Chairman Dianetti called an attorney/client privilege meeting for Planning Board members only and the Town Attorney at 9:38 PM.

Chairman Dianetti reconvened the meeting at 10:15 PM.

Chairman Dianetti – At this time we have a resolution for the approval of the State Environmental Quality Review Act Findings Statement for the Fishers Ridge Proposal. If no one objects, I will ask for a motion to move this resolution forward. Do I have a first?

I'll ask one more time, do I have a first to move this resolution forward?

Okay, so at this time the Planning Board is unable to come to a consensus that the negative traffic impacts are outweighed by the benefits of the project. The members of the Planning Board will continue to deliberate concluding reviewing the FEIS so that it can direct the preparation of a Findings Statement to adopt.

We'll be reviewing all of the information again and try to come to a conclusion on what would be acceptable to a majority of the Board to move the resolution of approval forward.

Ms. Ashley Champion from Nixon Peabody – I'm not sure what your conversation was with council when you were in executive session but just wanted to provide some context and framework. You may have just heard this exact same speech from your own attorney but at this phase in the SEQR process, the Board is required to adopt a Findings Statement which is the conclusory document based on the facts presented in the FEIS which has already been adopted by this Board. Again, not as the applicant's document that this Board has approved but as this Board's own document, this Board's own EIS. In the EIS there are several alternatives that are considered and evaluated. A no build alternative, the alternative that you see here that we pursued and was whittled down with the mitigation measures that were offered to now what the current project alternative is that's offered by the project sponsor and also a scaled down project alternative at Mr. Gallina's request. That scaled down project alternative was determined in your FEIS to be infeasible. So just reminding you, when you come to the point of adopting your Findings Statement where you have to state the reasonable alternatives, the one on balance of socioeconomics benefits and unavoidable potential impacts best mitigates environmental impacts, there are two choices. There is the current project alternative or the no build alternative. No other reasonable alternative was vetted or approved or deemed reasonable in your FEIS. So the Findings Statement can't say we think the project is a good one but we want traffic to be less and so we want a project that is half the size or 10% of the size or just Bass Pro. That's not an option.

So it's taking all of the positives, all of the socioeconomics benefits including the financial benefits, the relevance to the Comp Plan and the offerings of this project, the benefits to the Town of Victor, the residents, the businesses and saying that the unavoidable impacts, the

traffic delays, the several minutes is as Mr. Gallina pointed out for 1 to 2 hours a day, outweighs all of those impacts. At no point does the Impact Statement or the Findings Statement need to say that those traffic impacts are not significant. The Findings Statement only deals in significant impacts, SEQR only deals in significant impacts. If it were not significant, it would not be part of the EIS and it wouldn't be referenced in the Findings Statement. All impacts that are addressed are significant, most are able to be mitigated down to nothing. We're left with very few for a project this size and that is those 3 to 4 intersections during those peak hours of the day.

I just want to be sure that we're all on the same page going forward. What we're expecting from this Board as the next phase of the project which is the Findings Statement that will have to be adopted and will have to be adopted in accordance with the facts and conclusions from your FEIS. Thank you all for all of your work.

Chairman Dianetti – I appreciate your comments and I'm sure our attorney will take them into consideration as he is advising us going forward. So we will move expeditiously to move this along and hopefully by the next meeting.

Ms. Champion – Okay, thank you, I appreciate it. I know that you have already spent a lot of time on this.

Chairman Dianetti – Thank you

Chairman Dianetti asked the public for any comments on anything that was on this evening's agenda.

Ms. Lee Wagar from Beauchamp Way – I'm new coming to these meetings so it's just a surprise to me that you can't....it's like you're not doing the job, that's the impression that I get by not being able to come to a decision one way or the other. Sorry

Chairman Dianetti – Thank you. Any other comments?

There were no other comments and Chairman Dianetti asked for a motion to adjourn the meeting.

Motion was made by Ernie Santoro seconded by Al Gallina RESOLVED the meeting was adjourned at 10:20 PM.

Cathy Templar, Secretary