

A regular meeting of the Town of Victor Planning Board was held on January 26, 2016 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

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

**OTHERS:** Wes Pettee, Town Engineer Consultant; Don Young, Town Attorney; Katie Evans, Director of Development; Cathy Templar, Secretary; Silvio Palermo, Town Board Liaison; Joe Limbeck, Conservation Board; Richard Colucci, Nathan VanderWay, John H. Palomaki, Joe Murphy, Tom Gormel, Joyce Gormel, Diane Kober, Lorna Castelli, Robert Gruber, Scott Harter, Mark Crane, Joe Kondus, Bill Teamerson, Joe Limbeck, Colin Fezio, John Ritz, Kent Kiiikka, Marsha Senges, Terry Braman

### **CORRESPONDENC RECEIVED**

- Flyer for the annual meeting of Friends of the Railroad

### **APPROVAL OF MINUTES**

On motion of Ernie Santoro, seconded by Heather Zollo

RESOLVED that the minutes of January 12, 2016 be approved.

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

Approved 5 Ayes, 0 Nays

### **BOARDS AND COMMITTEES UPDATES**

Town Board reported by Silvio Palermo

- January 26, 2016 meeting
  - Town Board Workshop – Overview Stormwater Regulations, Federal/State/Local regulations. Drainage Committee has been working to establish guidelines for the drainage improvement area that will ultimately be created. Part of those guidelines is looking into stricter regulations for the future.
  - Approved to appoint Carol Montevecchio to the position of part-time typist in the Planning and Building Department.

- Approved to appoint Thomas Stirone to the position of permanent Civil Service Building inspector.
- Mary Duprey of the Victor Garden Club presented the design of a Town of Victor sign to be placed at the corner of Rowley Road and St Route 96. The sign will measure 4' high x 8' wide.

Conservation Board reported by Joe Limbeck

- Had a site walk on 1/24/16 at the Scout Ridge Subdivision on Dryer Rd. Mr. Limbeck will report later in the meeting when the application is before the Planning Board.

Historical Committee had no report

Planning Board reported by Cathy Templar

- February 9, 2016 meeting
  - Wendy's Subdivision located 7473 St Route 96 requesting a 3 lot subdivision
  - Smashburger located at 190 Cobblestone Court requesting outdoor seating
  - Any carry over's from this evening

Chairman Dianetti made announcements of upcoming workshops

The legal notice for the public hearings appeared in "The Daily Messenger" on January 19, 2016. 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.

Ms. Evans introduced all of the applications as they came before the Board members with explanations of each request.

## PUBLIC HEARING

### MARK'S PIZZERIA

6499 St Route 96

Appl No 41-SP-15

SBL # 28.12-1-33.000          Acres: 1.27

Owner: Pioneer at Victor LL Zoned: Commercial/Light Industrial/ Route 96/251 Corridor

Applicant is requesting approval to reuse and redevelop the site and building to accommodate a restaurant. This is the first time the application has appeared before the Planning Board.

Mr. Scott Harter from Professional Engineering addressed the Board.

Mr. Harter introduced the team working on the application. Mark Crane, the business owner. Joe Kondus from Internet & Media Professionals produced signage and the visual boards of the signage and the impact on Route 96. Bill Teamerson, the landscape consultant.

Mr. Harter – We started off with you folks back in June when Mr. Crane was considering this property and what's being proposed tonight. Things have fallen into place and we have taken

comments from that June meeting and have put them into the application that you have before you tonight. We have also responded to comments from your consultant and have written a letter specifically addressing his comments which I hope is satisfactory. Bill Teamerson wrote a response memo to the landscape questions, some of those were generated by LaBella and your landscape consultant Bruce Zaretsky.

As was mentioned by Katie, the intent of the project is to reuse and redevelop this property and building that was used formally as a car dealership. We think that we are improving it to a good level but we're not taking down the building, we're working with the building and the constraints associated with the building and the site. So we are trying to do the best we can with what we have.

The comments that have come forward in addition to landscaping; there were some comments related to parking that Al Benedict flagged. We currently show 55 parking stalls. We do have the ability to show more but when we show more, we reduce the greenspace. In Al's memo, he indicated that the owner may have a better handle on his particular parking needs and that he does this quite often and has a few of these pizzerias around the area. We have no opposition to banking parking. We have additional land to the east should we need to move into that area for additional parking. I believe at this moment, we are showing a number of stalls that the owner feels is reasonable and I think felt they were somewhat okay. I think his numbers are 20 or more stalls than we currently show. Once again, we could show those but not sure that would be wise from a variety of standpoints, not the least would be environmentally and economical.

I would entertain comments or questions from the Board and depending on the questions, they may be better fielded by the individuals with me.

*Chairman Dianetti asked for public comment.*

Chief Joe Murphy from the Victor Fire Dept – This plan falls within our fire protection district. I did have a chance to review the plans briefly. One comment that I have from the Fire Dept side is we are requesting that the building be sprinklered. It currently is not sprinklered, it was built before the code went into affect. Our opinion is that it's a significant change in use from a former car dealership which involved desks and filing cabinets and moving it to a restaurant with grills, ovens, fryers and some public assembly areas, I'm assuming there will be seating areas for the general public.

My conversation with the people from the Building Dept is there is a precedent for sprinklers. It was used for Cole & Parks when they added their kitchen. They were required to put in a sprinkler system due to the modification of the use of the building and the remodeling of it.

*There were no other public comments.*

Mr. Gallina – Is there a landscaping plan?

Mr. Harter – Yes we submitted one. You'll see it identified as a landscape area that is up by the front parking.

Mr. Gallina – What are you planning for the paved island (located along Route 96)

Mr. Harter – We took a look at that and to be perfectly honest, we didn't want to go into the State right of way. We're hopeful if DOT does another highway reconstruction, they can address how they would like this treated. It does have some benefit. When I first looked at it and I wasn't quite sure what it was for. What I noticed after studying the site, it actually helps deflect run off from our site westerly, into the gutter along Blossom Drive. So it acts like a backslash for a better description. I don't think it's going to win any awards for being a beautiful island but in doing these projects over the years, sometimes going beyond our property line into someone else's territory, and opens Pandora's Box for things that we really don't want to get into. So we respectfully ask if we could stay out of the right of way.

Mr. Gallina – Then there was some concerns raised about the condition of the sanitary system.

Mr. Harter – We learned in further studying the site, there is this sanitary force main that goes east/west through Route 96 and this building is currently connected to that. According to Farmington Sewer and Water, it's been problematic over the years because it takes a pressurized system to get into a pressurized system. So FSW mentioned to us that there is a gravity main on the east side of East Victor Road and they indicated that we could make a connection into that if we wished to. So we are pursuing that and our next generation of plans will show that connection. We currently authorized a surveyor to expand our survey over there so that we could detail how that could be done.

Mr. Gallina – That's all of my questions but my comment would be that I think it's a good repurposing of the building and it will be a nice location and looks good.

Mr. Logan agreed with Mr. Gallina's comments regarding the use.

Mr. Logan – I would also like to reinforce the Fire Chief's comments about the sprinkler system. This is a perfect application for that change and I was on the Board when we did the approvals for Cole & Parks. It definitely makes sense and think that's where you should go with this.

Mr. Santoro – My question is regarding Al Benedict's comment about the size of the sign.

Mr. Harter – The applicant wishes to use one sign whereas two are allowed. He is purposing to take the square footage from the sign not installed and add it to the sign that is to be installed for a larger sign in the front of the building. This may be an opportunity to ask Joe to show you the visuals that he's done on that to show you how they intend to use it and their justification.

Mr. Santoro – Are you aware that there is another pizzeria going in within walking distance of this one?

Mr. Harter – I wasn't aware of that.

*Mozzeroni Pizza located on Anthony Drive had an application for a take-out and delivery pizza restaurant approved by the Planning Board December 15, 2015.*

Ms. Zollo – I had questions about the lighting. I understand the previous owner had the RG&E incredibly bright floodlights. Are we keeping those or taking them down?

Mr. Harter – Al's comments flagged that. I think that's a comment that many of the Boards look at and take advantage to correct the situation. We intend to eliminate those lights in favor of complete dark sky lighting.

Ms. Zollo – Do we have the specs for the lights?

Mr. Harter – Those are the dark sky lights that had been originally proposed. There may be one additional one placed out front as a replacement for the floods that you described.

Ms. Zollo – Okay as long as those are going to be eliminated. I had all of the same questions that Al and Joe had about the sanitary sewer and the sign issues that Ernie asked. Have you gone to the Zoning Board of Appeals for the sign?

Mr. Harter – That's scheduled for next week and we were hoping to show you the visuals on the sign and thinking perhaps you would agree with the logic and offer an endorsement to the Zoning Board of Appeals. Our building elevations included the signs being compliant in terms of the size. A variance is still required for the front sign simply due to where it is attached. It's unique because it's a gambrel roof and it's not really easy to modify the building to say specifically that the sign would not be on the roof. It's not your typical roof.

Ms. Zollo – Earlier you talked about the parking. I believe our paperwork shows 55 spots, so that is what the owner believes is necessary for the business? (Yes) Our landscape consultant mentioned even reducing that further so that you could make your patio area a little larger, moving it over to the side instead of the front.

Mr. Harter – Your landscape consultant suggested; *does the site need as much parking as shown? If parking could be reduced by even as few as 5 or 6 spaces, it would allow larger and less exposed patio area on one of the building's sides.*

Ms. Zollo – Is that something that you are considering?

Mr. Teamerson – As a consultant, we really have no say in parking spots. We can make recommendations, but that's all they are. Going back to the Code Enforcement Officer who wanted 78 parking spots but conceded that 54 if that's what Mark said, would be sufficient. Or go below that isn't going by what either one said. So it's just a recommendation.

Ms. Zollo – So it doesn't fit your business model.

Mr. Teamerson – No, we need the 54 spaces.

Ms. Zollo – The patio area is out front? (Yes) It's 8 ft wide? (Yes)

Mr. Harter – We have an 8 ft wide patio area and in front of that we have a 6 ft wide landscape area.

Ms. Zollo – I think he made some other suggestions about the height of plants.

Mr. Teamerson – He did, again one of the issues becomes our signage is up there so we raised the height of the plants and now we're blocking signs and more of the building. His comment was also to lower the shrubs to see more of the building but then he wanted to put trees in front to hide the building. Again, it's kind of a mix message.

Ms. Zollo – I thought he was saying expose the building and move the seating to the side.

Mr. Teamerson – But then we're eliminating the parking areas.

Ms. Zollo – I just wondered if you had considered some of his suggestions. (Yes)

Mr. Mark Crane – I'm taking this project on and it looks like a fun one. That building is in rough shape. We're planning on repaving the whole parking lot, clean that area up near East Victor Road. Eventually we'll plant some larger trees there. We don't have that on the plan yet but I know you want it to look nice. I think part of the problem is your landscape architect wants native plants. Unfortunately, native plants are swampy area plants so we're going to try to come up with a happy medium, maybe some sycamore trees or crimson maples or something pretty. I think we're going to let Bill and Bruce Zaretsky talk about that. I really want to get some trees in there that look nice. The native ones are not that nice.

I don't know if any of you have looked at some of the stores that we've remodeled but we do a nice job on the landscaping. So we're hoping that the landscape architect will let us get away from the native and use some really nice ones. We're planning on making that look nice.

*Chairman Dianetti asked if they had pictures to show the Board.*

Mr. Crane – I'm going to let Joe show you. He did a good job to show you what we wanted to do with the signage. In his photos it shows the colors and the textures of the building that I want to use. It also shows the black architectural shingle for the roof which I think makes the building and the sign pop. Lots of times, I like to use pink roses in the front of the store and it looks good with the black and the asphalt.

Mr. Logan – Are you going to be considering an outdoor patio seating in an area in the back?

Mr. Crane – No because you can't really get to it. The way the pizzerias are set up and I'm not sure if you've seen the one in Williamson, it's exactly like this. We have just the one entrance into the pizzeria and there is an emergency exit out of the seating area. Both of those entrances/exits go to the patio area. To have it out back, then you'd have to have kids walking around the side and it's dangerous. We try to keep everything where...we have that landscape area to protect in the front for the kids and then we also have them on the sides. We have an elevated 6 ft sidewalk with that barrier for their safety.

Mr. Pette – LaBella submitted a letter dated 1/19/16 for this application. We did receive the applicant's response dated 1/25/16 and had an opportunity to go through their responses. Several of our comments were pretty basic and don't require a lot of attention but a couple that I'd like to bring up are; the dumpster enclosure, Comment #3; I think the Planning Board might be looking for a little more information on the details on the enclosures, the visuals on how it might look, the materials used, the color, etc.

With regards to the native plant requirements; it's actually a Town Code requirement, it's not necessarily the Landscape Consultant's requirement. In Section 211-45 of the Victor Town Code, it mentions *all landscaping and landscaped areas are required by the Victor Town Code for nonresidential districts shall be consistent with the requirements set forth in this section. All plantings used to satisfy the landscaping and landscaped areas requirements shall be comprised of at least 70% native plant species. Each category of plant set forth below shall independently satisfy the 70% requirement.* For example if you're going to be planting shrubs, it appears that 70% of the shrubs need to be native plants and the other 30% could be non native as long as they are considered noninvasive. In the Town's Design and Construction Standards there are tables, at least 10 pages of native plants that you can choose from whether they be shade trees, shrubs, etc.

Mr. Crane – I've looked at them, I had Bill spend some time looking at them. We spent quite a bit of time trying to find ones that have some color so it would "pop" and they just aren't beautiful. We'll find something and follow it if that's what they want, it's just you could make it look a lot nicer with colorful stuff.

Mr. Teamerson – I've worked with Mark for about 25 years. Mark is very proud of how the outside of the bldgs look and is pretty particular about his plants. You've heard him say pink roses, it's a specific variety that he likes. Over the years, we've developed a pallet of plants that are pretty much a part of his corporate bonding. As part of the image of Mark's, I think we need to use the consistent colors and the consistent plant materials, none of which are invasive. We are willing to sacrifice trees and that kind of thing meaning going 100% on the trees and the perennials if we could use our corporate plants for color for the shrubs.

I do have a question about the percentage of greenspace. The way I read it, lawn is considered greenspace. Right now we're at 46% greenspace with lawn so we don't have to do any plantings if that's the way I read it. We want to but what we would be doing is beautifying, not necessarily doing it to meet the greenspace requirement.

Mr. Pettee – I totally get that, you don't have to do landscape plantings if you don't want to, whether the Planning Board wants to approve a plan like that would be up to them. I think as a Planning Board discussion, the Planning Board members might want to weigh in as to whether or not they want to see you adhere to this or if you're not going to adhere to the code, you might need to get a variance for the percentage of plants that are considered non-native.

Mr. Crane – We just want to do a nice job. If it comes down to using native plants, we'll put them in. I just like my plants. Whatever you decide, I'm fine with it. I've just been doing the plants the same way and it's never really been brought up before about the plants. That's not a huge thing, we'll do whatever you want.

Chairman Dianetti – A good suggestion would be that you and your consultant sit down with the Town’s consultant and see what can be worked out. The Conservation Board did a tremendous amount of work putting the native plant manual together and trying to get people to plant more native varieties and stop the invasive plants. A lot of them are very beautiful but they are invasive and spread and we’re losing a lot of the native vegetation. I think it can be resolved but it should be a sit down meeting and have things worked out. That’s just my position, the rest of the Board may have their own.

Mr. Crane – I think when the dust settles, we’re not going to put up a big stink about the plants. It’s not that big of a deal.

Mr. Harter – This is Joe Kondus and he’s gone through and done some visuals to show you the existing building with signage on it. One sign shows the signage that conforms and the other is what we are requesting.

Mr. Joe Kondus – The first variance that we are going for is to place the sign on the roof and as you can see it’s a gambrel roof so there aren’t too many places to put the sign. We have it at a nice height off of the grade and we think it looks aesthetically pleasing. We were hoping to either ask for your comments or have you tell us that it looks like a good plan or get some sort of endorsement from you as to whether you think that variance would be acceptable.

The other variance is going from 128 sf on two sides to 127.86 sf on one side. As I’ll show you on the next few boards, this is the allowable square feet of the left side of the building elevation. This is the allowable square feet on the front of the building. 69.83 sf, it’s 70 sf across and 58 sf on the left side, leaving us with 58 sf. These two signs we can do but as we started to drive the neighborhood and the property, I took some visuals and started to take a look at what the difference would be as you approach west and then east. As you can see, this is an interpretation of what it would be to code (showing the smaller signage).

As we went out and started to take measurements, because of the way the sign is constructed for the Mark’s Corporate Brand, it expands quite a bit from left to right. Where the windows are, it seems we would have to put it just below the window (referring to the side of building) in order to not be too high above the eye line to cause a distraction but it would hang quite low on the side. As you approach from this angle, this sign looks awfully small. We are just trying to decide what would look better for the passer by, what would be better for the community and how would it look within your plans.

This would be the proposed sign to be placed in the front, by combining these two sides and turning it into one sign on the front.

*Mr. Kondus explained through several large display of pictures of the building that combining the square footage of both allowable signs and putting that square footage into one larger sign on the front of the building, would make the front sign more visible against the large section of the black gambrel roof of the building.*

Chairman Dianetti – I think one of the important issues to mention is that the Planning Board won’t be making the decision on the variance, that’s up to the Zoning Board of Appeals. They are the ones that you’ll need to convince to deviate from the code. If you’re asking to poll the

Planning Board on their opinions, I'm sure that most of us would be willing to do that but the Zoning Board of Appeals will be the one to make the decision.

The other question I have is where will the HVAC be located?

Ms. Zollo – How will the sign be lit?

Mr. Kondus – Internally illuminated. It used to be high fluorescents but those are costly over the long run. They are internally illuminated LED lighting with ---- front.

Ms. Zollo – Then it will be over the top of that window or sky light that's in the center?

Mr. Crane – I guess tonight what we are looking for is if we could get a recommendation from you to go to the Zoning Board of Appeals. We're talking to you about the sign tonight because we'd like to have a positive recommendation if possible.

All those windows that you are asking about, we're working with the Building Dept right now and the center entrance in the front would become a window. The 3 windows up top (on the roof) would become part of the gambrel roof ( they would be removed). The main door to the pizzeria will be the door at the far left. The door to the far right would be an emergency exit for the seating area. Right now we're working with the inspectors to get all of the approvals for the ingress/egress and everything that you need to do. We thought why not put just one sign in the middle of this roof to make part of this roof go away. That's kind of the reasoning to have just the one sign instead of the two. If you like the way that IMP (Internet & Media Professionals) have drawn and created this look, we would like a positive input to take to the Zoning Board of Appeals if possible.

*Chairman Dianetti asked about the HVAC.*

Mr. Crane – This whole second floor, part of the negotiations with the Building Dept has been that the upstairs will not be used at all, not even for storage. The upstairs will become the area for the duct work for the furnaces. All of the furnaces, HVAC will be upstairs. So the upstairs will not be used at all. We're trying to take this old building and make it look as nice as possible. That was a post and beam building so every 8 ft is a post with giant 8x8 wooded beams in it. We're working with the Building Dept to make that work but all of the HVAC equipment will be upstairs.

Mr. Logan – As soon as he said post and beam, I had visions of opening the whole thing up, at least in part the seating area. That would be gorgeous.

Mr. Crane – Code wise, it just doesn't work. It's just the way it was put together, structurally I can't take it apart. It was a restaurant years ago and TK Pizzeria was in there. Like Ernest said, there's another pizzeria coming in down the street which I didn't know about so we're going to do the best we can to make it look good. We try to increase business when we move from one location to the next. We're hoping to increase business by 15% so for us, this is a big move.

Ms. Zollo – I'm sure you're aware about the comments from Al Benedict about the exterior cooler and being in the 100 year flood plain that you need to be sure it's up to a certain elevation.

Mr. Crane – The cooler will be at the same height as the pizzeria. When you walk out the back of the building, it's like you're still in the building, you walk right into the cooler.

*Comments were made again about opening it up with the post and beam look.*

Mr. Crane – We talked about opening up the whole thing but it just didn't work out.

Chairman Dianetti – I'm assuming that with all of the other bldgs that you've had, you've anticipated that you need a fire suppression system in the building.

Mr. Crane – Yes, Captive Air does all of our extinguishing systems.

Chairman Dianetti – I just want to tack on what everyone else has said tonight, it's a great use of the building and a great location for a restaurant. Katie will read all of the issues that were brought up during our discussion. All of this really helps so that the next step when you return everything has been discussed. It makes the process easier.

Ms. Evans –

- Requesting the applicant to address in writing all of the comments from tonight, including comments already issued by staff and consultants. This would include
  - Consideration of opening up the interior structure to expose the post and beam
  - Address the lighting concerns identified, specifically remove the flood lights to insure complete dark sky compliance and provide the requested documentation for review and consideration.

I'm looking for clarification from the Planning Board on the proposed 54 spaces and landscaping the remainder. (All members agreed)

- Advise the applicant to meet with Zaretsky and Assoc., the Town's Landscaping consultant.
- Submit a revised landscape plan for review and consideration

Keep in mind that we do need to circulate the material once they have been submitted for review so we may need to skip a meeting depending upon when we receive the materials.

- Addressing the comments from the Farmington Sewer & Water District pertaining to the desire to pursue the gravity sewers to the east.
- Address the request to sprinkler the building as noted by Chief Murphy

Does the Board want to issue a comment or memo to the Zoning Board of Appeals? You're not obligated to but you're welcome to if you'd like.

Mr. Logan – Just a comment about the sign in general, I think that we should at least refer the sign to our Architectural Consultant because the code for the Route 96/251 Corridor does talk about not having internally lit signs but more externally down lit signage like the kind you have at your current location in Phoenix Mills. Usually it's gooseneck lighting or something like that

that would externally light the sign rather than internally lit feature. I would suggest looking at that and then take a look at the sign that you're actually proposing and seeing if that is too bold of a lighted sign and if you would be interested in looking at external lighting of the sign. It goes with the character of the corridor which is what we're trying to do.

Mr. Crane – I don't think that it matters to us either way. Most of the ones we are building now have the goosenecks on them. If you want goosenecks, we'll put them on it.

Mr. Logan – It's more in compliance with the architectural guidelines. Personally, if we're taking a poll, I do like the single sign. Proportion is important to me and I think what you're proposing is not out of proportion and I like eliminating the other sign on the side. I would be in favor of that.

Mr. Santoro agreed with Mr. Logan's comments.

Ms. Zollo – I also agree, I think the proportions look good.

Chairman Dianetti and Mr. Gallina agreed.

Mr. Crane – So can we go to the Zoning Board of Appeals with your recommendation if we put the goosenecks on it?

*Ms. Templar stated she would send these minutes to Mr. Harter that reflects the Planning Board's recommendation and to the Zoning Board of Appeals.*

Chairman Dianetti closed the public hearing for Mark's Pizzeria and the discussion ended.

#### VERIZON WIRELESS

701 High Street

Appl No Special Use 6-SU-15 and Site Plan 38-SP-15

Property Owner: Town of Victor Tower Owner – County of Ontario

Acres: 0.6 acres Zoned: Residential

Applicant is requesting to replace 3 AWS antennas; 3 PCS antennas; 3 AWS remote radio heads and the addition of 3 PCS remote radio heads, 1 junction box and additional hybridflex cable. This is the first time this application has been before the Board.

Mr. Nate Vander Wal from Nixon Peabody addressed the Board.

Mr. Vander Wal – I am here on behalf of Verizon Wireless. The applicant, with respect to the application before you for a Special Use Permit and Site Plan approval to perform an antenna modification, upgrade to an existing telecommunications facility that is located on the water tower on 701 High Street. This facility has been on the tower approximately 10 years and due to

the change in technology and an increase in coverage gaps mainly resulting from the change of technology, this upgrade is needed.

As detailed in the application, the specifics of the project include the replacement of 3 AWS antennas and 3 PCS antennas which refer to frequencies that the specific panels transmit. With respect to this portion of the project, that will be a like kind exchange. There are currently 6 panels there that will come off and 6 new panels will go on in the same location. These new panels are 72” in length where the existing panels are 94”. So they are noticeable shorter so certainly no negative aesthetic effect as a result of that change.

There will also be the addition of 3 AWS remote radio heads and the addition of 3 PCS remote radio heads. These are smaller antenna structures that will be mounted on a similar manner on existing pipe mounts that you can see set out, there are currently vacant pipe mounts and are mounted at the same height and at the same level as the existing panels currently on the water tower.

As noted this upgrade is needed to improve our coverage gap and also needed to bring this facility and make it compatible with current technology, specifically 4G LTE which is the norm and is taking over the telecommunications industry. All new devices that are coming out operate with a 4GLT technology and currently this facility is not capable of meeting those demands.

In response to the application, we did receive comments from both Town staff and LaBella which have been addressed in the materials that have just been presented to you. Certainly if there are any questions or clarifications needed with respect to this additional material, I’m happy to attempt to answer those for you.

I would also note to that the replacement panels will be of the same color as the existing panels which are more or less the same color as the underlying water tank itself. There would be no change in the aesthetic appearance with the new panels as well.

Finally, I would just draw your attention to the attachment to the materials that I just presented to you. It has the updated site plan which corrects the tax parcel number of the adjacent property as well as the revised short EAF which indicates the Town’s approvals as the comments stated from LaBella.

Mr. Santoro – I think this is fairly straight forward. We’ve done these before.

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

Mr. Logan – I assume the cables are also painted to blend in with the tower?

Mr. Vander Wal – Yes the cables will run in the existing cable run that is already in place and will be painted to match the color of the tower.

There were no other comments from the Board members.

Mr. Pettee – LaBella did issue a comment letter on this application dated January 20, 2016. There were relatively few comments on this one. I have looked at the applicant’s responses which he just handed to us and it looks like our comments have been addressed satisfactorily. We don’t have anything further.

SEQR RESOLUTION

On motion made by Joe Logan, seconded by Ernie Santoro

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on January 26, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Verizon Wireless will not have a significant impact on the environment and that a negative declaration be prepared.

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

Approved 5 Ayes, 0 Nays

RESOLUTION SITE PLAN

On motion made by Al Gallina, seconded by Heather Zollo

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

1. A Site Plan application was received on December 2, 2015 by the Secretary of the Planning Board for a Site Plan entitled Bell Atlantic Mobile of Rochester L.P. d/b/a Verizon Wireless.
2. It is the intent of the applicant to replace 3 AWS antennas; 3 PCS antennas; 3 AWS remote radio heads and the addition of 3 PCS remote radio heads, 1 junction box and additional hybriflex cable.
3. The Town of Victor Planning Board reviewed the Unlisted Action on January 26, 2016 and identified no significant impacts.
4. A public hearing was duly called for and was published in "The Daily Messenger" on January 19, 2016 and whereby all property owners within 500' of the application were notified by U.S. Mail.
5. The Planning Board held a public hearing on December 15, 2015 and January 26, 2016 at which time the public was permitted to speak on their application.
6. The application was referred to the Ontario County Planning Board under Section 239 of the General Municipal Law. On December 9, 2015 Ontario County Planning Board retained application as a Class 1.

7. In a letter dated January 20, 2016 LaBella Associates stated that there were technical aspects to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of Bell Atlantic Mobile of Rochester L.P. d/b/a Verizon Wireless, Site Plan entitled Verizon Wireless Project No: 20151214895 located at 701 High Street drawn by C&S Companies dated October 30, 2015, received by the Planning Board December 2, 2015, Planning Board Application No. 38-SP-15, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated January 20, 2016 from LaBella Associates be addressed.
3. That comments from Code Enforcement Officer, dated January 8, 2016 be addressed.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.

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

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

Approved 5 Ayes, 0 Nays

**RESOLUTION SPECIAL USE**

On motion made by Ernie Santoro, seconded by Heather Zollo

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

1. A Special Use Permit application was received on December 2, 2015 by the Secretary of the Planning Board for a Site Plan entitled Bell Atlantic Mobile of Rochester L.P. d/b/a Verizon Wireless.
2. It is the intent of the applicant to replace 3 AWS antennas; 3 PCS antennas; 3 AWS remote radio heads and the addition of 3 PCS remote radio heads, 1 junction box and additional hybridflex cable.
3. A public hearing was duly called for and was published in "The Daily Messenger" on January 26, 2016 and whereby all property owners within 500' of the application were notified by U.S. Mail.
4. The Planning Board held a public hearing on January 26, 2016 at which time the public was permitted to speak on their application.
5. The proposed use of the property is a permitted Special Use in Chapter 211-24.
6. The proposed use is designed and located to be operated such that the public health, safety and welfare and convenience are protected.
7. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
8. The proposed use conforms to all applicable regulations in the district which it is located.

NOW, THEREFORE BE IT RESOLVED that the application of Bell Atlantic Mobile of Rochester L.P. d/b/a Verizon Wireless, for a Special Use Permit received by the Planning Board December 2, 2015, Planning Board Application No. 4-SU-15, 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 8, 2016 be addressed.

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

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

Approved 5 Ayes, 0 Nays

*At 8:10 PM the Planning Board moved to an ATTORNEY/CLIENT Privilege meeting regarding the next application. The meeting was restarted at 8:35 PM*

### **TABLED ITEMS FROM 12/15/15 MEETING**

#### DRUMLINS SECTION 3, PHASE 3

Chapelhill Road

Appl No 3-FS-15

SBL # 27.08-2-300.111

Owner: RSM Development      Acres: 6.2 acres

Applicant is submitting final subdivision plans for the remaining 20 lots within Section 3, Phase 3. The overall area is +/- 6.2 acres which includes +/- 3 acres of land to be conveyed to the HOA. There was a public hearing held on December 15, 2015 and this item is a carry over from that meeting's agenda.

Mr. Doug Eldred from BME Assoc. addressed the Board along with Steve Mancini from RSM Development.

Mr. Eldred – Just to wrap this up, we have received comments and have addressed them in letter form about three weeks ago. We received comments back from LaBella today and one from Bruce Zaretsky and one from Al Benedict. I don't know if there are any more questions on the plan itself or if you'd like to go through some of these comments.

Maybe we should talk about the landscaping. We went back and forth and Andy Spencer from my office worked with Bruce Zaretsky and came up with an acceptable plan. It looks like they are all set with that per their letter. He is recommending inspection of plants installed before or as they are installed to insure proper species, size and installation technique. We just don't want to be treated different from anyone else. Typically, we install the plants per the plan and then someone looks at them. If he forgets to call or whatever the case may be, I'm not quite sure how that would fall out but that would be my only comment regarding that.

The LaBella comments; there is a question about a previous plan for the HOA land. We eliminated it simply because we could put that information on the subdivision plan. In past times, it was a bit too crowded. Did you have any questions?

*Chairman Dianetti asked for public comment.*

Mr. Bob Grubber from Beauchamp Way – I'm interested where Sutherland comes in. Right now this road doesn't exist (referring to the new Chapelhill Drive extension). I'm on the HOA Board and I've met a lot of people on Sutherland Way and they have a concern that when they come up to here (referring to the intersection of Sutherland Way and Wellington Drive), cars coming from above, there's a hill and it raises up, the line of sight is such that it's very difficult to see the car until it reaches the top of the hill. At that point, if this person is in the intersection, it makes it very difficult to stop. I'm just concerned if there are any plans...what do you plan on doing about keeping any accidents from happening because now you'll have increase traffic flow from here (referring to the Chapelhill extension)? Are there any plans of putting up signs or stuff like that....a four way or three way sign?

Mr. Dave Nankin from Chaucer Court - I also live in the Drumlins. There are 20 homes that are going up here. They are on the County Road and no provisions have been made for guest parking. I live there and during the holidays (Christmas, New Years, etc) people come, visit, park on the road itself. In the winter time, you have snow berms. It makes it difficult sometimes to pass. If there is a way to put in some extra parking it would probably be appreciated to everybody there.

Also related to that, snow; Last year was an exception, this year is also an exception. But in general, there is no place when you plow out the driveways, you have nowhere to go with the snow. I witnessed on Sutherland Way, the gentleman that does our plowing has to cross over Wellington and push it over the bank which is not legal exactly, crossing over. There is just no accommodation. The yards are small, driveways are small. You don't realize until you are there, what do you do with the snow?

Just a few other things if I may. This is a brochure from the builder himself and he lists for air conditioning and for heating, *Rheem central air conditioning and gas furnace or equal*. I don't have a Rheem furnace, I have a Comfort Air. I would like to know who determines what is equal. Rheem's a very good name. We have more air conditioners out front, from different manufacturers than we have weeds in our lawn! If you advertise Rheem, why can't you stay with Rheem? Who determines what is equal? They are different circuitries; the heat exchange chambers are not equal. Mine is anodized aluminum, the Rheem is steel clad aluminum. They are not equal in my estimation.

Also, one other thing please...a home goes up and it stays unfinished sometimes for months and months at end. Eventually, you have to side these homes and has to have gutters put on. It's going to cost eventually the same, why should a home stay up there, why should people have to look at an unfinished home with Tyvek covering it and listen to it shake in the wind and make a lot of noise when it's going to have to be covered anyways. If you don't want to finish the inside, that's fine, I don't care if it stays that way for years. But in the mean time, finish! I thank you all for your time.

*Chairman Dianetti asked for any other public comments and there were none and the public hearing was closed.*

Mr. Santoro – Some of the things that you said are part of the contract with the builder. The town can't really do anything about that.

Ms. Zollo – I have one question that was brought up at the public hearing last time we discussed this project that there was an abandoned truck in the neighborhood and I wondered if that had been removed yet.

*It was noted that this truck was no longer there.*

Ms. Zollo – I'm hoping that we're going to get answers to all of the questions that were asked tonight.

Mr. Logan – I was interested in the comment about auxiliary parking. I was looking at the aerial of the site and don't really see any extra parking. Where can we put it on the current plan? I

think it's important to have places for people to park that's not on the street if they're visiting. The very short driveways you can maybe get 1 or 2 cars in front of the garages.

Mr. Pettee – LaBella provided an updated comment letter today. The majority of our comments from our letter dated December 15, 2015 have been addressed. I know that one of the questions that has been asked tonight is about parking for visitors. During the previous phase and I can also let the applicant speak to this as well, there was some land banked parking shown. It was required by the Planning Board and was shown on the final subdivision plan of the previous phase. They've also now shown that on the updated plan set that they've provided for the Board for consideration on your resolution.

Other than that, we just had one new comment with our letter today, it's just a perforated pipe comment. We're just looking for the applicant to add a detail of the perforated pipe section and surrounding material. It's pretty minor and don't think it'll cause the applicant a problem. We don't have anything further at this point.

Mr. Eldred – The first question was regarding a stop sign out at the intersection (Sutherland Way and Wellington Drive). To be honest, I haven't looked at it myself. Typically, a thru road would not have a stop sign on it and the side roads would which is what we have there. I did know that the sight distance from our side of the road, looking to the south is in conformance with your regulations because we measured it. So I think it's a little bit better on our side of the road, probably because we're going up a little bit. I don't have any other answer other than to say that would be atypical to stop the thru traffic as opposed to the "T'd" in traffic.

Ms. Zollo – Can you put a warning sign that indicates the intersection?

Mr. Eldred – I wouldn't want to speak for the Town Highway Dept but there are things like that you could do. We've all seen them "Intersection Ahead" "Slow Down" that kind of thing. I think people probably get up a pretty good head of steam so that's probably what the concern is. I'd want to see what the Highway Dept would accept in that regard. We certainly could talk to them about it and see what they thought and maybe what LaBella thought as well. But like I said, it would be atypical.

Snow storage of a townhouse project, quite frankly it's always a problem. One thing that we did was to eliminate the bigger bldgs on the north with the previous section. Now we only have two unit bldgs so there is a little more space between the bldgs with our current section to put snow than there is in some of the previous sections where there were four unit bldgs together. It's not unusual that they would need to truck off snow. One thing, it would be more accessible to the snowplowers now, you can see that area where the bend of the road is and between that and Wellington Dr. So I think they might have a location there to put snow on site. It's not accessible now. It certainly is always an issue with townhouses. It's not uncommon for them to have to truck it off.

Visitor parking; the last time we were in we had a pretty big discussion about it. We showed land banked parking (Mr. Eldred pointed out where the land banked parking was located).

Ms. Zollo – On the plans that I have, I show four sections with six spots each.

Mr. Eldred – So that was the decision at the last Board meeting. I talked with Steve (Mancini) if it appears that there is a parking need for visitors on the site, he said that he would go ahead and pave those areas if that's what the Board would want. We wanted to see what needs there would be; is it once a year for a short period of time or is it more frequent than that.

Air conditioning – I don't think we have anything to say about that, it's between the builder and homeowner.

Houses that stay unfinished for a long time; again, I think that is part of the process. You might have some homeowners changing their minds and things like that. Steve said the abandoned truck was towed so that's not there anymore.

Chairman Dianetti wanted to know if the landscaping issues were resolved.

Mr. Eldred – Yes, we got a comment back from Bruce Zaretsky. He's agreeable to the plants and the flexibility that we wanted to put the proper plants in the proper location from a standpoint of sun exposure and that type of thing which was kind of a problem with our earlier plan when you put plants in the light or shade and they don't grow. The other thing is the availability from the nursery. There is a list of plantings so you can take the list and see if they put something in from the list and then you could count and make sure the plants were put in the ground.

Ms. Evans – So what is the Board's position on the land banked parking?

Mr. Logan – My position is to put it in now.

Ms. Evans – All of it?

Mr. Logan – I would say so. There seems to be a demand in doing it. There are two sections, I believe.

The incorrect plan was on the overhead. Mr. Pettee put a full size revised plan on table for the public to view. Mr. Eldred pointed out where the land banked parking is located on the plan.

Mr. Mancini – If I could just comment on that space. Back when we did that original phase, I believe it was stated that it was going to wait to see if there was a need for more. I think we should let the HOA weigh in on this to see if these people want 7 spots right behind their house if there is a need. Honestly at that location, I don't think there is a need but I understand maybe a few at one and a few at the other. If we're talking about 5 to 7, that's fine but now we're talking about sticking in a whole bunch of pavement where they had greenspace, then we'll have the opposite, you'll have a bunch of angry homeowners. I think we should let the HOA weigh in on this.

Mr. Logan – I guess as long as you are out there doing the road work..... I just want to support the residents in getting what they need out there. I've heard tonight that there is not enough parking.

Mr. Mancini – But trust me, if you stick 6 or 7 spots in that location....

Mr. Logan – Then 3 or 4.

Mr. Mancini – That's what I was saying, putting 7 there and 4 up there is going to be a problem.

Mr. Logan – I would suggest that a condition would be that the HOA weigh in before we give final approval to the site plan on how many parking spaces in existing and proposed development areas, in this particular segment that you're putting in. I'd like the HOA to weigh in on that so we can get it taken care of now, the road is done, you don't have to come back again. I think it's in your best interest as well.

Mr. Mancini – If you want to say right now put in 7, then I'll put in 7. Then you're going to have a group that will be angry.

Mr. Logan – I'd rather have them given the opportunity. It's a good time, in my opinion, during construction to have that taken care of. The earlier sections and the current one.

Mr. Mancini – There are two that we banked for two and then there are three that we banked for three.

Mr. Logan – So your task is to take the current final plans and the previous plans to the HOA and ask them what they want. Then have them report back to the Board. Then the engineer can have that incorporated into the plans.

Mr. Mancini – As long as we can have this as a condition.

Mr. Logan – I'm not saying delay your resolution. I'm saying put it in as a condition.

Ms. Zollo - That seems reasonable to me. We don't want to disrupt them or upset people if it's not necessary. But if the HOA feels it's necessary, then I think something should be done.

Mr. Logan- So the HOA has a task too to get with Mr. Mancini.

Mr. Gruber – I'll get back to the HOA right of way. We can probably get a special meeting planned because the next one is not for another month and then get back to Steve.

Ms. Evans – For the Board's consideration, the Planning Board attorney and I have been discussing if we could condition the installation of land bank parking on a future HOA decision. There is some concern as to how that would work.

Mr. Logan – It could be an on going condition prior to getting the road dedicated that the land bank parking be taken care of.

Chairman Dianetti – You wouldn't want to go beyond the number that is already land banked.

Mr. Logan – No, we have dedicated areas through out the site that have land banked parking. In my opinion, now is the time to give the HOA an opportunity to say how many they want. You have the available number of spaces, for example 20 and they only want 10 but this is something they need to decide.

Chairman Dianetti – Do you want to put a time limit on it?

Mr. Logan- Katie was just saying how would we do that? I would say that it needs to be a condition in this resolution that maybe prior to street dedication.

Mr. Eldred – It sounds like you want to make it a condition to put in the number of spaces the HOA wants. So if you received something from the HOA where they signed off and stated what they wanted and they sent a letter to Cathy (Planning Board Secretary) stating what they wanted, then I think that would satisfy the condition.

Mr. Mancini – I think tying it to the dedication of the road is a good idea because there are a lot of snow birds.

Mr. Logan – I’m pretty flexible as long as there is a way to get that incorporated in.

Mr. Mancini – And just word it that it not go beyond what is banked.

### RESOLUTION

On motion made by Joe Logan, seconded by Al Gallina

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

1. An application was received on December 1, 2015 by the Secretary of the Planning Board for a Final Subdivision entitled Drumlins Townhouses Section 3, Phase 3.
2. It is the intent of the applicant to develop the remaining 20 lots.
3. A public hearing was duly called for and was published in “The Daily Messenger” on and whereby all property owners within 500’ of the application were notified by U.S. Mail.
4. The Planning Board held a public hearing on December 15, 2015 and January 26, 2016 at which time the public was permitted to speak on this application.
5. The Conservation Board reviewed the project at their December 15, 2015 meeting and recommended applicant to adhere to comments from Zaretsky Landscape.
6. In a letter dated December 15, 2015 and January 26, 2016 LaBella Associates stated comments to be addressed.

NOW, THEREFORE BE IT RESOLVED that the application of RSM Development LLC, Final Subdivision Plan entitled Drumlins Townhouses Section 3, Phase 3 drawn by BME Assoc, dated November 2015, received by the Planning Board December 3, 2015, revised January 6, 2016 received January 7, 2016 Planning Board Application Drawing #2134D 31-41, Application No. 3-FS-15, BE APPROVED WITH THE FOLLOWING CONDITIONS:

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

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That 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 December 15, 2015 and January 26, 2016 from LaBella Associates be addressed.
5. That the comments in a letter dated December 15, 2015 and January 13, 2016 from Zaretsky and Assoc. be addressed.
6. That comments from the Town of Victor Highway Department dated 12/15/15 be addressed.
7. That comments dated January 4, 2016 from Code Enforcement Officer 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. 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 (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. 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.

5. That 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 fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.
6. That a pre-construction meeting shall be held prior to the start of construction and shall be coordinated through the Planning and Building Department.
7. That a minimum of 6" of topsoil be York raked or rock hounded before seeding with an approved seed mix.
8. The Town's Landscape consultant shall inspect landscaping prior to release of letter of credit.
9. Prior to accepting final dedication of the Town road, there shall be sufficient guest parking in Section 3, Phase 3 not to exceed 12 spaces as identified on Drawing #32 to the satisfaction of the Town Engineer.

DISCUSSION: The Board stated that it looked like there were a total of 24 land banked spaces not 12.

Ms. Evans – I'm looking at site note #5 on drawing 32 and it says *the total number of parking spaces provided is 80, this includes 2 spaces in the garage and 2 spaces in the driveway. Also provided are 12 land banked overflow parking spaces.*

Ms. Zollo – So are we addressing those?

Mr. Gallina – I say now is the time.

Mr. Logan – And that reflects what I was saying earlier regarding to meet with the HOA about the entire facility and build whatever has been land banked in the different phases. You don't have to do 100% of it if it's not what they want.

Mr. Young – We asked the developer to deal with the prior spaces in the prior phases but right now the Planning Board is only dealing with Section 3, Phase 3. So we can't really go back and require as a condition of this phase to deal with another phase that already received final approval.

Mr. Logan – It was approved but there is an HOA that has the opportunity to weigh in on and request the additional land banked parking be put in.

Chairman Dianetti – So who decides on whether or not to use the land banked parking?

Mr. Mancini – They were addressed in that previous section as land banked parking. If I recall correctly, at the time, they are supposed to be reviewed by Al (Benedict) and we know that we're going to review it with the HOA. They were addressed in a legal standpoint at one time.

Mr. Pettee – If I could weigh in. As far as I can recall, the Section 3, Phase 2 plans, I believe the final resolution for that section addressed how land banked parking spaces would be paved and come into reality. I don't remember specifically what the resolution said but it's something we can find and look at.

Mr. Eldred – I recall something like that too Wes. I think it had to do with review by Al (Benedict) if they were parking on the street. But the land banked situation is always available for the HOA to build at any time.

Mr. Young – So my suggestion would be since we are dealing with this resolution for Phase 3, Section 3, we deal with this land banked parking in this resolution. If you want to kill two birds with one stone, from a logistical standpoint, I do agree it makes sense to ask the HOA for their opinion on the other phases as well. But I think in our resolution, we should deal with what we are approving.

Chairman Dianetti – The trigger to add the additional spaces is our Code Enforcement Officer, is that correct?

Mr. Eldred – I wouldn't want to say that 100%, that's what I seem to be recalling.

Mr. Mancini stated he recalled the same thing.

Mr. Young – Wes stated there might be more specifics in Section 2's resolution so we should look at that. If we need to we can follow up with an additional resolution dealing with that issue at another time after we have the input from the developer and the HOA.

It was determined there were 12 land banked spaces in Phase 3, Section 3.

Ms. Zollo – I thought we were addressing the whole issue because the resident expressed concern about it and I understand that it is Phase 3.

Mr. Logan – Part of the reason for this as well is to make sure that even if they remain land banked, that trees are not planted in the middle of a land banked parking area, so the landscape plan should be reviewed for location of land banked parking spaces.

Ms. Zollo commented that the landscape plan shows trees located in the land banked parking spaces now. Mr. Pettee stated that they would look at that in the mylar stage before any plans were signed that the landscaping isn't in conflict with the land banked parking spaces.

*Discussion ended and resolution continued:*

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

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

Approved 5 Ayes, 0 Nays

### **EXTENSION OF TIME**

#### HERITAGE PACKAGING

Fishers Run

Appl No 44-SP-14

SBL #6.00-1-58.111

Applicant is requesting their first 90 day extension to obtain a building permit to construct a one-story office/manufacturing/warehouse building consisting of 9,500 sf office; 28,200 sf production area and 18,150 sf warehouse on a 26.5 acre parcel immediately west of the end of Fishers Run. Site Plan was reapproved 1/13/15.

Chairman Dianetti asked for public comments and there were none and the Board members had no comments.

### **RESOLUTION**

On motion made by Joe Logan, seconded by Heather Zollo

WHEREAS, in a letter dated January 19, 2016, Jerry Goldman requested a 90-day extension of time for application titled Heritage Packaging, therefore, be it

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

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

Approved 5 Ayes, 0 Nays

INFORMAL DISCUSSION

## SCOUT RIDGE SUBDIVISION

7346 Dryer Rd

Owner: Scott DeHollander

SBL #27.02-1-31.100

Zoned: R2 with a B overlay

Scott DeHollander P.E. of DeHollander Designs Inc requested an informal discussion with the Board regarding the subdivision of 9.3 acres into a total of 4 lots. This concept was last before the Planning Board informally August 25, 2015. As a late addition to the agenda, postcards were mailed Friday, January 22<sup>nd</sup>.

Mr. DeHollander – I live at the existing house at 7346 Dryer Road. When we purchased the property it was two separate parcels and we did a lot line adjustment to get to the point we are at today with an existing house on approximately 1.85 acres and the balance of the vacant land is contiguous and totals about 9.36 acres.

When we were here in August, we had a very conceptual drawing of what we wanted to do. Since that time we have advanced the plans to a comprehensive preliminary stage. Our updates include the full topographical survey which is now complete and represented on the plans. We've completed soil testing and completed the architectural design for the 3 proposed homes. Those designs are represented in the footprint view on the site plan. We've completed the environmental assessment, a site grading plan, a Conservation Board site walk and we've addressed some preliminary comments from staff and the Town Engineer.

Our plan has been developed with conservation and preservation in mind. What we are going for here is a large lot that compliments the existing site features. Those include approximately a 1 acre pond and 3 acres of wooded areas. Additionally, there is a nice rolling topography to the site. Our house is sited in such a way that we've got some really nice views of the pond and the Dryer Rd area. The sighting of the lots and the proposed houses tends to maximize those nice views and minimize the impact on any of the proposed lots or the existing lot.

I'll talk a little more about the property lines. There are a couple unique geometric elements that we're intending to move forward with and those are really geared around maximizing what we see is the most valuable asset on the property and that's the pond. We've intended to provide access to 3 of the adjoining lots so that things that we've enjoyed over the last 12 months on the property including kayaking, fishing and the wild life can be shared and enjoyed by the other adjoiners. We intend to make formal a maintenance and access easements around the pond so that some of the concerns about who prepares what and who has access where are memorialized as part of the property's deeds. We'll share those easements with the Board at a future opportunity to present our project.

We did investigate other lot configurations with some incentive zoning in mind but all of those options resulted in much smaller lots and more lots. A group home site de-emphasizes the pond as the primary feature, more grading impacts, more tree impacts and it really wasn't our vision to do anything more intense than what's being proposed here today. The density that we're proposing on this plan is approximately 2.3 acres per homesite.

There has been a couple of questions asked about the purpose of the unapproved building lot, Lot 2. That is for the purpose of making sure that we get the right feel and fit of the houses that are proposed on Lot 1 and 3. We've made commitments to interested builds there and they have made commitments to our project by going forward with architectural plan preparation and we just want to make sure that we reserve an opportunity if it's the wrong fit and feel and more elbow room is required or desired, that we have an opportunity to provide that. In the mean time, being residents at 7346 we also enjoy the pond. The purpose would be to continue to enjoy it as we are now, sharing it with the other two people who are interested in building at the site.

At sometime in the future, we will offer first rights of refusal to both of the adjoiners and if no one wants the extra space, then it would be our intention to develop it as a building lot. The soils are conducive to septic. The site offers walk out opportunity and it has 130 ft of frontage with 1.3 acres.

There also have been some questions raised about the configuration of Lot 4 with its frontage to the far east end of the project and the driveway located at the west end. We see this as another preservation element to our project. It effectively holds about an acre and it's the most heavily treed part of the site where the most mature evergreen trees are located. This configuration also provides an opportunity in the future, not part of what we're proposing now, that a shared driveway could be used if in the future, the lands that are being conveyed to the existing house parcel, there is 2+ acres being conveyed as part of our proposal to 7346 Dryer Rd. That is a viable parcel in the future and this driveway location provides an opportunity for a shared driveway if in the future that is developed. It also moves the driveway away from the pond. We wanted that element separated as far as possible to preserve some of the unspoiled visual elements associated with the driveway and the pond.

All of the driveways that we have proposed have adequate sight distance at the proposed locations. All of the site soils have excellent percolation rates and are suitable for septic design, we encountered no rock or water and no mineral deposits. We did that just a couple of days ago. All lots have municipal water and natural gas access.

So we're asking the Board to consider moving our project along. We would welcome the opportunity to collect some public comments through public hearing and if it's appropriate to do that, we'd be available at the next Planning Board meeting to present our application and more advanced plans.

*Chairman Dianetti asked for public comment.*

Mr. John Ritz from Dryer Road – I am directly across from the proposed development. I actually just received my postcard in the mail today so I'm trying to digest some of this. I guess to try to understand this, the proposal is for two houses here?

Mr. Ritz was told there are 3 houses proposed and they were pointed out to him.

Mr. Ritz – But the statement was made that there would be a shared driveway so it would go in with the 3. The potential would be if approved, they could put another 2 so there would be a total of 5 houses along with the one that is currently there and it's currently zone for 1 home?

Mr. Logan – It's currently *occupied* by 1 home. It's zoned R2 with a B overlay. So you can subdivide it into 6 homes including the existing one on 11 + acres. So the density doesn't support 6 houses, probably only 5 including the current house.

Mr. Ritz – With traffic flow, I believe this would absolutely be excessive. I can understand, seeing this plan right now, 2 makes sense, potentially 3 but 5 would be absolutely excessive, giving the layout of the existing homes on that given road, given the speed limits and also the adjoining roads. That's my two cents of the project and hopefully they will be considered if this does move along.

Mr. Joe Limbeck from the Conservation Board – Four members of the Conservation Board did a site walk Sunday morning at 9:00. We had no items of concern but some things that we would like to note. We sent copies of our memo to you. If you go to Item #2, we did note that both parcels have soil that is not prime farmland. If you look at the larger site, it has fine sand loam, highly erodible. The pond does hold fish. It does flow north and east through a classified stream and ultimately ends up in the Great Brook. It is part of a system if you will. There are no wetlands on this site or within 200 ft of the site. Another item to note is #8; slopes are typically 3% to 4%. These are just things that we thought we should note. But again, no items of concern.

Mr. Gallina – I'm still a little confused by the flag portion to the east that is being left. Is the intent for Lot 4 to exit through the drive near the adjacent property or over on this flag portion?

Mr. DeHollander – The driveway that is shown on the plan is what we are intending to use for Lot 4. This will exist on an access easement over what will be combined with 7346 (existing house) property. So there will be an access easement from dryer Rd all the way back to the house and there is no intended development or disturbance of trees that exist on that section of the parcel (the flag portion).

Mr. Gallina – Why carve this stem out here versus just including that into Lot 3?

Mr. DeHollander – Well, this lot requires frontage so this meets the 100 ft minimum of road frontage of the zoning code.

Mr. Gallina – Okay, but if that wasn't an impediment, would you still do that?

Mr. DeHollander – I would be open to other opportunities but preserving the lot width of Lot 1 and 2 would be something that would have to be balanced.

Mr. Gallina – I'm assuming the purpose for frontage is to have accessibility enough, the drive is over on the west and it really eliminated the need for a unique configuration like that.

Mr. Young – Scott, why wouldn't you move the lot line for Lot 3, eliminate the one on the east side. Then move the west lot line of Lot 3 east. You'd have the same amount of space, maybe move the house over. Move all of the lot lines over so that you don't have that jut there. Then you could take the access for Lot 4, move that a bit to the east and make it a true flag lot so that

you don't have to have an easement, I don't know why you'd want an easement. You could just have that driveway be on Lot 4.

Mr. DeHollander – It comes out to grading concerns and they're really not represented on this existing grading plan. There is a steep grade here and there isn't an opportunity to move the house further to the east, it's pretty locked into that spot. With that being said, I think it is reasonable to extend this line and it becomes a very large lot. Then this frontage that is intended to be conveyed to 7346 could be split, it's 100 ft. It could be 50% but I'd have a significant variance request but it might be a more conventional subdivision approach and I'd be open to something like that with the Planning Board's support for a variance on something like that.

Mr. Gallina – I know that you're trying to keep a wild card here with Lot 2, maybe it goes one way or the other or an additional lot but quite honest I think reconfiguring that with 3 additional houses on that property, I think you'd get a real nice development versus trying to shoehorn in 5 additional houses.

Mr. DeHollander – I agree, I think it's reasonable to take it to the Zoning Board of Appeals and we could prepare an application to do that. I don't know how that dove tails with moving forward with the Planning Board but I think we would definitely have a stop with the Zoning Board of Appeals to make sure that was a configuration that was acceptable to them.

Chairman Dianetti – Is part of this design to stay under the major subdivision triggers? If you subdivide it and have 5 lots, it's not whether they are approved is it?

Mr. DeHollander – It really isn't. We want to reserve the property behind us. We didn't want to lose access to the pond being actually part of the development, we wanted to have those two features remain. It really isn't an attempt to skirt the major subdivision regulations, it's really to get as much for us as we can and also make available to the new people coming to the project.

Chairman Dianetti – I think from what Al was saying, if you divided the property up more evenly at the road and then you could have your narrow band extending to that property in the back and each person could have back property that was theirs but you get away from some of the configurations. I think that would take care of your wish for people to have access to more property.

Ms. Zollo – I had nothing really different than everyone else had. I just want to clarify that the flag to the east, you're going to add that to your property?

Mr. DeHollander – Yes, that's not a stand alone parcel, that will be conveyed into 7346 Dryer Rd.

Mr. Santoro had no comments.

Mr. Logan – I'm just looking at the plan that you had last summer when you came in and this one. I think that you made a comment about clustering the subdivision. I don't recall whether this was what you had, is this the same?

Mr. DeHollander – It's very similar to what we had in August. We looked at some clustering options but with the clustering, it brings more intense development and in my opinion, it de-emphasized the features of the lot; the pond wasn't a feature, it was the density driving the clustering. What I came back to was sighting the houses on the most suitable footprint and arranging them so they complimented the feature we were interested in preserving. It wasn't ignored, it was a good exercise. I'm just not interested in doing more density.

Mr. Logan – I wasn't thinking more density as much as the lot lines being more conventionally laid out without having a little slice here and there to satisfy a code requirement. I think that was the point of the discussion last time. I'm just looking at the other plan you had and you showed what amounts to a little circle, a cul-de-sac with 2 houses off of it in the back. Right now, you're looking at only 1 house and that piece is going to go to the existing house. So you're not looking at doing another house back there in the future?

Mr. DeHollander – Well, I think it is a possibility.

Mr. Logan – So you would have to resubdivide that at that time.

Mr. DeHollander – At some time there could be another application in the future but it's not my intention to do it now or any time before the kids....

Mr. Logan – I guess we would need an opinion on the code.

Mr. Gallina – It just seems like we are keeping too many options on the table.

Mr. Logan – I think we'd like to look at the site plan for the whole thing. We just went through this with an industrial site off of Route 251. They said they wanted to clear the whole lot and we said no, they had to tell us exactly what they wanted to do so that we know that they're not doing too much. We still want to know what the ultimate goal is for the lot when we look at a subdivision because if the density is too high then what's viable is not 6 homes, it's only 5 with the average lot size of 2+ and the minimum lot size is 33,560 sf. I think 4 fits on there but not 5. If the 4<sup>th</sup> one was the reserved lot in the upper left, I could see that. But if you're talking about reserving this strip in the front, then you're nixing the opportunity to use the back lot if that's a more desirable space to put a home. I'd almost want to see you stick with the plan you had before with a separate driveway or a common driveway. With that being a possibility for the future, adjust the lot line then. But only doing 3 houses now with the possibility of 1 more if that's all the zoning allows. So take a look at that. This is an informal, we're trying to go through all of this.

Mr. DeHollander – I'm hearing what you say and appreciate it. Thank you

Mr. Logan – We try to avoid these crazy lot lines if we can. If you need to, that's understandable I guess. How do you retain access from your house to the pond? Is it just because there is open space there, you currently own and will maintain? Just go down the road and walk in that way?

Mr. Gallina – Unless you sell the lot, then you've given up rights to it.

Mr. Logan – To get to the pond, you'd have to walk down the street and go in there. So you could conceivably have a little dock to put your boat in because you'd own it until you decided to sell it, if you could get it approved as a building lot.

Mr. DeHollander stated the care of the pond would be addressed in the access and maintenance easement. All of the adjoiners would have responsibilities and rights to access. Mowing would be defined by the property lines.

Mr. Pettee – We did look at the application and provided a letter on January 22<sup>nd</sup>. Some of the comments and concerns have been voiced already and covered in our letter. The one concern that I have right now is with the proposed unapproved building Lot 2. I understand a little of the rationale that you have but I would be concerned if an unexpected buyer comes along and decides that they want to buy the lot and build a house and find out for some reason it doesn't perc. We don't have any deep hole test or perc tests on this lot that tells us that it's going to perc. It might cause some trouble down the road. Katie, I don't know if you've had any experience in the past with unapproved building lots or if that is a concern.

Ms. Evans – Scott, at what point do you intend to merge R1 and R2?

Mr. DeHollander – At the same time this subdivision progresses. The filed subdivision plat will convey R2 to R1. So, at the same time we create the lots, we'll merge the lots.

Mr. Gallina – Just out of curiosity, why would you go through the efforts of merging it with the potential of resubdividing it? It just seems like you're going in circles on that.

Mr. DeHollander – Maybe but we have no intentions of doing it in the near future and maybe never at all. So having 2 tax bills.....I have a lot of different properties and sometimes it gets a little confusing. So for convenience, I would merge them and hold them as one.

Ms. Evans – It becomes residual acreage as opposed to a prime lot per assessed value which is a substantial difference. The whole thing about having the driveway and sharing access, is just weird.

Mr. Gallina – What you risk there is not getting approval down the road to resubdivide.

Ms. Evans – I understand why you would put the driveway back to Lot 4 where it is being shown because of the natural features on the east side but it's weird. It's not a shared driveway, it's a driveway on someone else property that could be shared in the future but it's not intended to in the foreseeable future.

Mr. Logan – With that house on Lot 4, why wouldn't you have that as frontage (referring to the location of the driveway)? Then you just carve out a little corner, take out the east/west line and open it up. That way you have the driveway on it, you don't have to worry about that other thing on the other side.

Mr. DeHollander – That's not a suitable driveway location (referring to the other side of site where the trees are), the grades are very steep.

Mr. Logan – I'm not saying change the driveway location, just leave it.

Mr. DeHollander – Then we have the weird scenario that Katie just talked about. I think you're onto something there, we could eliminate this line....

Mr. Logan – This is part of a flag lot with the frontage being part of this lot (referring to driveway for Lot 4) and then take this line out (referring to the back lot line for Lot R1) and that becomes part of the overall lot. Then move the lot line from the corner of Lot R1 to the lot line for Lot 4 then Lot 4 owns where the driveway is located and no easement is necessary.

Mr. Gallina – I think he's trying to preserve the potential for a building lot in the back (Lot R2).

Mr. Young stated that if Lot R-2 is developed in the future, you could cut the property where the driveway is located in half.

Mr. DeHollander – That's kind of what we're leaning towards and talking to the Zoning Board of Appeals about this, if they would go forward with that.

Mr. Logan – It sounds like you have an alternative way to do it. This whole thing is just bizarre to me.

Mr. Gallina – The risk you bear is the unapproved building lot that splits the pond may not be approved.

Mr. DeHollander – I appreciate your time. Is it possible to continue to the next step and what would that be?

Mr. Pettee – You need to complete your application. I know that you did some perc tests the other day. I think once we get the results of those perc's and maybe they've been provided on the plans sent to us.

Mr. DeHollander – It has not been provided to the town yet but we have the data and we're preparing the designs.

Mr. Pettee – Once the town receives a complete application, that would get the process started.

Ms. Evans – That would be a submission 5 weeks in advance to a meeting so your neighbors will have postcards a week in advance. This was an informal discussion, no decision being made. Just take the comments you heard this evening into account. Cathy will provide the meeting minutes for your reference, amend your plans as you see fit and re-submit for a formal review.

The discussion ended at this point.

DISCUSSIONS

Motion was made by Ernie Santoro seconded by Joe Logan RESOLVED the meeting was adjourned at 10:00 PM.

Cathy Templar, Secretary